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MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING LOCATION

OCTOBER 11-12, 2012

CONTRACTORS STATE LICENSE BOARD

12501 E. Imperial Hwy, Suite 601
Norwalk, CA 90650

BOARD MEMBERS

Paul Wilburn, President; Erik Zinn, Vice President; Kathy Jones Irish; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Jerry Silva; Robert Stockton; Patrick Tami; and Michael Trujillo

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I. **ROLL CALL TO ESTABLISH A QUORUM**

II.

PUBLIC COMMENT

NOTE: The Board cannot take action on items not on the agenda. The Board will allow for Public Comment on both days, as well as during the discussion of each item on the agenda.

III. **HEARING ON THE PETITION FOR REDUCTION OF PENALTY OF PAUL DURAND**

This hearing will be held on Thursday, October 11, 2012, beginning at 1:00 p.m., or as soon thereafter as the matter may be heard.

IV.

CLOSED SESSION

Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]

V. **OPEN SESSION TO ANNOUNCE THE RESULTS OF CLOSED SESSION**

VII.

EXECUTIVE OFFICER'S REPORT

- A. Legislation
 - 1. Discussion of Legislation for 2011-2012
 - a. Pending Legislation: AB 1588, AB 1750, AB 1904, AB 2570, SB 975, SB 1061, SB 1576
 - b. Amendments to Business and Professions Code Section 27 Regarding Address of Record Available Via the Website
- B. Strategic Plan Update
 - 1. Action Plan Summary for FY 2012- 2013
- C. Personnel
- D. Administrative Task Force

Board for Professional Engineers and Land Surveyors

2012 Legislative Session

- AB 1588** Atkins. Professions and vocations: reservist licensees: fees and continuing education. This bill would require the boards within Consumer Affairs to waive the renewal fees and continuing education requirements, if applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.
STATUS: Amended 8/22/12. Approved by the Governor, Chapter 742, Statutes of 2012.
BOARD POSITION: Support
- AB 1750** Solorio. Rainwater Capture Act of 2012. This bill would authorize residential, commercial, and governmental land owners to install, maintain, and operate rain barrel systems and rainwater capture systems, as defined provided that the systems comply with specified requirements.
STATUS: Amended 8/24/12. Approved by the Governor, Chapter 537, Statutes of 2012.
BOARD POSITION: Watch
- AB 1904** Block. Professions and vocations: military spouses: expedited licensure. This bill would require a board within DCA to expedite the license process for an applicant who, holds a license in another jurisdiction, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States assigned to duty in California.
STATUS: Amended 6/12/12. Approved by the Governor, Chapter 399, Statutes of 2012.
BOARD POSITION: Watch
- AB 2570** Hill. Licensees: settlement agreements. This bill would prohibit a licensee who is regulated by DCA, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program, except as specified.
STATUS: Amended 8/6/12. Approved by the Governor, Chapter 561, Statutes of 2012.
BOARD POSITION: Support

Board for Professional Engineers and Land Surveyors

- SB 975** Wright. Professions and vocations: regulatory authority. This bill would provide that the California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists have sole and exclusive authority to license and regulate the practice of the professions they regulate. No licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions by code or by regulation promulgated except by the applicable board. STATUS: Amended 8/22/12. Enrolled and Presented to the Governor 9/6/12. Vetoed by the Governor 9/25/12.
BOARD POSITION: Support
- SB 1061** Walters. Professional Engineers. This bill (which is identical to last year's SB 692) would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. This bill also would authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed. STATUS: Introduced 2/13/12. Set for 1st hearing 4/23/12 in SEN Committee on B,P&ED. Hearing canceled at request of author. This bill is dead.
BOARD POSITION: Oppose
- SB 1576** Committee on Business, Professions and Economic Development. Professions and vocations. This is one of the Committee's omnibus bills. (Amends section 6795 of the Engineer's Act and sections 8741, 8762 and 8773 of the LS Act.) This bill, among other things, revises the exemption from the taking of the LSIT to civil engineers licensed prior to January 1, 1982, expands the definition of "establish" when filing a record of survey to include "location, relocation, reestablishment or retracement," and corrects section 6795 to read that renewals are done every two years on a staggered quarterly basis rather than a monthly basis. STATUS: Amended 8/23/12. Approved by the Governor, Chapter 661, Statutes of 2012.
BOARD POSITION: Support

Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session

BILL: AB 1588

AUTHOR: Atkins

TOPIC: Professions and vocations: reservist licensees

DATE OF INTRODUCTION: 2/6/12

MOST RECENT VERSION: 8/22/12

ANALYSIS DATE: 10/1/12

BILL'S LEGISLATIVE HISTORY: Approved by the Governor, Chapter 742, Statutes of 2012.

RECOMMENDED POSITION: Support

BOARD POSITION: Support

SUMMARY:

This bill would require the boards within the Department of Consumer Affairs to waive the renewal fees and continuing education requirements, if either is applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.

COMMENT:

This bill would only affect renewal fees for this Board since continuing education is not required for any of our licensees. This bill should not have a significant impact on the Board even though the number of licensees that would benefit from this bill is unknown. (The Board does not track military status of our licensees.)

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

BILL: AB 1750

AUTHOR: Solorio

TOPIC: Rainwater Capture Act of 2012

DATE OF INTRODUCTION: 2/17/12

MOST RECENT VERSION: 8/7/12

ANALYSIS DATE: 9/27/12

BILL'S LEGISLATIVE HISTORY: 9/25/12 - Approved by the Governor, Chapter 537, Statutes of 2012.

RECOMMENDED POSITION: Watch

BOARD POSITION: Watch

SUMMARY:

This bill would enact the Rainwater Capture Act of 2012, which would authorize residential, commercial, and governmental landowners to install, maintain, and operate rain barrel systems, as defined, and rainwater capture systems, as defined, as specified, if certain requirements are met. This bill would authorize a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of a rainwater capture system, as defined, if the system is used for landscape irrigation or as a water supply for a fountain, pond, or similar decorative water feature in a landscaping project.

The bill would authorize a landscape contractor holding a specified classification to design and install all exterior components of a rainwater capture system that are not a part of, or attached to, a structure.

COMMENT:

This bill states that the Rainwater Capture Act shall not authorize a landscape contractor to engage in or perform activities that require a license pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700)). Since this language is included in this bill I do not think that the Board needs to be involved in or take a position on this issue.

HISTORY: This bill is similar to last year's AB 275 (Solorio, 2011) which was vetoed by the Governor. The Board supported AB 275 once the bill was amended to include language stating that the bill did not authorize a landscape contractor to perform activities that require a professional engineer's license. The Governor's veto message stated that, "This measure seeks to adopt an interim standard for rainwater capture outside the established Building Standards Commission process. Without some urgency or a more compelling reason, I think it is better to stick with the process and follow existing California law."

Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session

BILL: AB 1904

AUTHOR: Block

TOPIC: Professions and vocations: military spouses: expedited licensure

DATE OF INTRODUCTION: 2/22/12

MOST RECENT VERSION: 6/12/12

ANALYSIS DATE: 9/27/12

BILL'S LEGISLATIVE HISTORY: 9/20/12 - Approved by the Governor, Chapter 399, Statutes of 2012.

RECOMMENDED POSITION: Watch

BOARD POSITION: Watch

SUMMARY:

This bill would require a board within the Department of Consumer Affairs to expedite the license process for an applicant who holds a license in the same profession or vocation in another jurisdiction, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States assigned to duty in California under official active military orders.

COMMENT:

A board within the Department shall expedite the licensure process for an applicant who meets both of the following requirements:

- 1.) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.
- 2.) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which he or she seeks a license from the board.

This bill is an effort to support and improve the lives of military families, more specifically, help military spouses, who frequently move across state lines. One of the requirements of this bill is that the person to be issued a license must hold a current license in another state.

The Board can only do so much to expedite our license process. The people to be licensed through comity no longer have to go to the Board for approval so they can be approved in an expeditious manner. Those people in the disciplines of civil, structural and geotechnical would have to wait to sit for the next regularly scheduled California exam. Since they would not be required to take a national exam the final filing could be extended.

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

BILL: AB 2570

AUTHOR: Hill

TOPIC: Licensee Settlement Agreements

DATE OF INTRODUCTION: 2/24/12

MOST RECENT VERSION: 8/06/12

ANALYSIS DATE: 9/27/12

BILL'S LEGISLATIVE HISTORY: 9/25/12 - Approved by the Governor, Chapter 561, Statutes of 2012.

RECOMMENDED POSITION: Support

BOARD POSITION: Support

SUMMARY:

This bill would prohibit a licensee who is regulated by the Department of Consumer Affairs (DCA) from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the Department, board, bureau or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program. This bill also provides that any board, bureau, or program within DCA that takes disciplinary action against a licensee based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee to pay any additional sums to the benefit of any plaintiff in the civil action.

COMMENT:

According to the Author, (also the sponsor), the purpose of the bill is that regulatory gag clauses inhibit the ability of regulatory agencies to perform their oversight function. DCA boards cannot adequately protect consumers from unscrupulous and unqualified individuals if they are unable to communicate with individuals filing complaints or who have been victimized. And furthermore, pressuring aggrieved consumers and injured parties into agreeing to such clauses enables potentially dangerous licensees to continue operating.

Existing law prohibits a physician or surgeon from including, or permitting to be included, a provision within a civil settlement prohibiting another party to the dispute from contacting, cooperating, filing a complaint, or requiring the withdrawal of a complaint with the Medical Board.

There have been numerous bills in previous legislative sessions dealing with this issue. The bills have either not made it out of Committee or have been vetoed by the Governor. The veto message from 2005 stated: "I vetoed a similar bill last year because of the negative effect it would have had on the California economy. This bill further erodes the ability to do business in California by creating more uncertainty regarding litigation by prohibiting any licensee or professional overseen by the Department of Consumer Affairs from including in a civil settlement agreement a provision that prohibits the other party from contacting or filing a

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

complaint with the regulatory agency. When parties who are in dispute agree to settle, there should be some assurances that the dispute has been resolved in a satisfactory and final manner for both parties."

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

BILL: SB 975

AUTHOR: Wright

TOPIC: Professions and vocations: regulatory authority

DATE OF INTRODUCTION: 1/19/12

MOST RECENT VERSION: 8/22/12

ANALYSIS DATE: 9/27/12

BILL'S LEGISLATIVE HISTORY: Enrolled and presented to the Governor 9/6/12. Returned to the Senate (vetoed) by the Governor 9/25/12.

RECOMMENDED POSITION:

BOARD POSITION: Support (changed from a "Watch" position 8/30/12)

SUMMARY:

Existing law provides for the licensure and regulation of various professions and vocations by boards, bureaus, and commissions within the Department of Consumer Affairs. This bill would provide that the California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists have the sole and exclusive authority to license and regulate the practice of professions and vocations regulated by those boards pursuant to provisions of the code and that no licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions or vocations other than under that code or by regulation promulgated by the applicable board through its authority granted under that code.

For purposes of this section, "licensing requirements" include, but are not limited to:

- Additional training or certification requirements to practice within the licensed scope of practice.
- Continuing education requirements for renewal or continuation of licensure.
- Any additional requirements beyond those provided in this code or pursuant to a board's regulations.

SB 975 originally included all boards, bureaus, and commissions of DCA but was amended to only affect California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists.

SB 975 was recently amended (8/22/12) to add sections (3) and (4) under section (c) of 101.2 of the Business and Professions Code that now would read - "Nothing in this section shall be construed to do the following:

- (3) Prohibit the boards described in paragraph (1) of subdivision (a) from receiving requests from other state agencies to adopt by regulation licensing requirements applicable to licensees of those boards.
- (4) Prohibit the boards described in paragraph (1) of subdivision (a) from reviewing a request described in paragraph (3) and holding public hearings, after notice to the public and the regulated community, to determine whether it is necessary to adopt regulations pursuant to the Administrative Procedure Act to implement the requested licensing requirement in order to protect the public and promote public health and safety."

COMMENT:

The new amendments to SB 975 make the "unintended consequences" of the bill even greater. The Board does not have staff to deal with the increased workload nor do Board members have the time to

Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session

be available for public hearings of "requests from other state agencies."

This bill is a follow-up to last year's AB 1210 (Garrick), which was vetoed by the Governor. AB 1210 stated that a licensed civil engineer shall not be required to satisfy any additional experience, training, or certification requirements in order to perform activities in the preparation of storm water pollution prevention plans (SWPPP).

This bill, as was AB 1210, is being sponsored by American Council of Engineering Companies (ACEC - CA).

The Governor's veto message for AB 1210 –

This bill would exempt license civil engineers from training requirements related to the preparation of Storm Water Pollution Prevention Plans.

Many of these storm plans are found to be deficient and those preparing them need a much better understanding of the necessary elements of a solid plan. It is not feasible to inspect every plan or every construction site but it is essential to have some process in place to ensure compliance in preparing complete and sound storm water plans.

The current process depends on a training education program for all professionals who prepare storm plans – engineers, geologists, hydrologists, and land scape architects. This bill, a piecemeal approach, exempts only one profession, the civil engineers. A more comprehensive solution would be better.

I am directing the State Water Board to review the entire program and evaluate compliance alternatives that are more efficient and workable for all professionals.

The Department of Consumer Affairs has an "Oppose" position on this bill.

Governor's veto message for SB 975 is attached.



OFFICE OF THE GOVERNOR

SEP 25 2012

To the Members of the California State Senate:

I am returning Senate Bill 975 without my signature.

This bill attempts to address the increasing trend of state, regional and local governments' use of short courses as a means of increasing regulatory compliance. Specifically, this bill provides that the California Architects Board and the Board of Professional Engineers, Land Surveyors, and Geologists are the sole state authorities for regulating in any way their respective professions.

I agree that more 8-hour courses are often not a good form of compliance.

I am directing the Water Board, the Air Board and the Energy Commission to review other methods of ensuring compliance.

Sincerely,


Edmund G. Brown Jr.

Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session

BILL: SB 1576

AUTHOR: B,P&ED Committee

TOPIC: Professions and vocations

DATE OF INTRODUCTION: 3/12/12

MOST RECENT VERSION: 8/23/12

ANALYSIS DATE: 10/1/12

BILL'S LEGISLATIVE HISTORY: Approved by the Governor, Chapter 661, Statutes of 2012.

RECOMMENDED POSITION: Support

BOARD POSITION: Support

SUMMARY: This bill is the "omnibus bill" for the Senate Committee on Business, Professions and Economic Development. Among other things, this bill makes the following changes to the Engineer's Act and the Land Surveyors' Act:

1. Corrects section 6795 to read that renewals are done every two years on a staggered quarterly basis rather than on a monthly basis.
2. Revises the exemption from taking the first part of the land surveyor examination (the land surveyor-in-training examination – LSIT) to only those applicants who are registered by the Board as a California civil engineer (section 8741).
3. Corrects outdated references to correctly refer to the "Manual of Surveying Instructions (2009) published by the federal Bureau of Land Management (sections 8741 and 8762).
4. Clarifies the requirement for a land surveyor to file a record of survey by expanding the definition of "establish" to include "location, relocation, reestablishment or retracement" (section 8773).

COMMENT: The above amendment to the Engineer's Act was submitted by the Board to end any confusion regarding renewals of licenses and the frequency of when they are issued. The above amendments Land Surveyor sections of this bill were submitted by the California Land Surveyors Association (CLSA). CLSA stated that in 1979, when the existing exemptions were placed in the LS Act (section 8741), the education curriculum requirements for engineers generally included courses that taught a fundamental knowledge of surveying, mathematics, and basic science. At that time, it was justified to exclude an engineer with a postsecondary degree from the first division (LSIT) of the land surveyor's examination because it was assumed that they were being adequately taught and tested in those areas. In recent years the courses required and taught to engineering students (other than civil engineering) generally do not include courses in surveying.

According to CLSA current law refers to an outdated document published by the Bureau of Land Management (BLM) and that the language in this bill corrects the reference.

CLSA also states that the word "establishment" creates confusion for land surveyors because of multiple interpretations of the word. This bill clarifies the section of law that includes the criteria for the requirement to file a record of survey by expanding the definition of "establishment" to include the terms "location, relocation, reestablishment or retracement."

BPELSG Action Plan FY 2012-13

Goal 1

Objective 1.1

- Reorganize work assignments to focus on citation process improvement
- Increase staff through Budget Change Proposal
- Develop and submit a Budget Change Proposal for a Geologist Registrar
- Focus on reducing aging while maintaining high quality standards for enforcement cases

Objective 1.2

- Contact several like-minded local organizations and agencies
- Contact Outreach unit in DCA headquarters
- Develop an Outreach Plan in conjunction with the DCA Outreach Unit

Objective 1.3

- Collaborate with Division of Investigation to accomplish sting operations and sweeps
- Increase Outreach to consumers focused specifically on the dangers of Unlicensed Activity.
- Collaborate with other local agencies by sharing information and educating them on the Board's function.

Objective 1.4

- Create web mapping to combine the Professional Engineers and Geology Web sites.
- Develop online address changes and incorporate a paperless process.
- Establish text recognition on all online documents in accordance with ADA compliance
- Streamline the information flow and usability of the Web site

Objective 1.5

- Coordinated with the release of BreEZe.

Objective 1.6

- See objective 1.1

Objective 1.7

- Pending the release of BreEZe.
- Coordinate with the BreEZe team to express business needs on decision posting.
- Coordinate with the BreEZe team to express business needs on license functionality.

Objective 1.8

- See objective 1.7

Objective 1.9

- Update and post final disciplinary decisions on the Board's Web site.

Goal 2
Objective 2.1
<ul style="list-style-type: none"> • Review licensing and certification fees for businesses as potential legislative action. (see objective 2.6)
Objective 2.2 - To be completed FY 12/13
<ul style="list-style-type: none"> • Received authority for applicants in approved 2011 Sunset legislation. • Move forward with legislation to obtain authority for licensees. • Submit Budget Change Proposal for the hiring of fingerprinting staff. • Develop and adopt regulations to implement applicant fingerprinting.
Objective 2.3 - Completed FY 11/12
<ul style="list-style-type: none"> • Restructure fees and receive regulation approval for both PELS and Geologists & Geophysicists programs. • Publicize the fee restructure once regulations are approved.
Objective 2.4
<ul style="list-style-type: none"> • Consult the Board for proper direction.
Objective 2.5 - Completed FY 11/12
<ul style="list-style-type: none"> • Review has been conducted. General statutory language affects the maximum fine. Any changes affect other boards/programs.
Objective 2.6
<ul style="list-style-type: none"> • Consult Board for further direction. • Identify staffing requirements of implementing business authorization.
Objective 2.7 - Completed FY 11/12
<ul style="list-style-type: none"> • On November 2011 Board agenda. • Research has been completed. Staff are currently pursuing legislation.
Objective 2.8 - Completed FY 11/12
<ul style="list-style-type: none"> • Completed - effective June 18, 2012
Objective 2.9 - Completed FY 11/12
<ul style="list-style-type: none"> • Qualification requirements added to statute during 2011 legislative session; effective January 1, 2012.
Objective 2.10
<ul style="list-style-type: none"> • Review statutes and regulations for consistency across both programs

Goal 3**Objective 3.1**

- Contract with professional community volunteer as Subject Matter Experts (pending travel freeze exemptions).
- Increase outreach to colleges and professional societies.
- Add information to Web site's "Exams" tab including links to NCEES and ASBOG.
- Get report from NCEES on California licensees overall involvement in exam development and track for future reporting.

Objective 3.2

- Geotechnical Engineer.
- California Specific Examinations for Professional Geologist & Professional Land Surveyor.
- Traffic Engineer/Civil Engineer/ Certified Engineering Geologist/ Certified Hydrogeologists / Geophysicist.
- Phased implementation for flexible testing dates

Objective 3.3

- Contact DCA Strategic Planning & Development Unit to engage in process improvement sessions
- Streamlining of cashiering and EMS approvals pending BreZE

Objective 3.4

- Recruit for development of exams through outreach and direct contact professional associations.

Objective 3.5

- Consistently monitor exam validity of each test and begin administering through CBT.
- Engage NCEES in the administration of national exams for PELS.
- Continue auditing exam information for security, and monitor how it is presented to the CBT vendor
- Provide occupational analysis as required for each exam

Objective 3.6

- Credit transactions pending BreZE

Objective 3.7

- Coordinate Board Member / Staff participation as observers at ABET visits every fall pending travel freeze exemptions.
- Encourage public board member participation.

Objective 3.8

- Begin National Council of Examiners for NCEES administration.
- Researched ASBOG implementation. Determined to be unfeasible at this time.

Objectives 3.9

- Pending out-of-state travel exemptions.
- Organize NCEES Western Zone meetings in San Francisco, California.

Goal 4**Objective 4.1 - Completed FY 11/12**

- Completed - hired 7/1/11

Objective 4.2

- Justify approval & funding for out-of-state and in-state travel to required meetings.
- Justify representing the interest of the licensees and consumers of California at zero-cost events and pre-paid events to Agency and the Governor's office.
- Develop a Knowledge Retention Plan which includes overlapping retiring staff with new hires.

Objective 4.3

- Establish a protocol/manual for managers/staff to identify recruiting of current staff for upward mobility to disseminate to staff.

Objective 4.4

- Seek hiring freeze exemptions - currently lifted.
- Budget Change Proposal for Enforcement Unit staff and Geologist Registrar have been approved at agency level.
- Budget Change Proposal for the hiring of fingerprint staff.

Objective 4.5

- Issue dates to be digitally recorded.
- Scan enforcement actions and organization record forms.

Objective 4.6

- Rewrite class specifications.

Goal 5**Objective 5.1**

- See objective 1.2.

Objective 5.2

- See objective 1.2

Objective 5.3 - To be completed FY 12/13

- Review engineering magnet schools.
- Publicize at college career fairs.

Objective 5.4 - To be completed FY 12/13

- Develop and release new tri-annual newsletter.
- Revise the local officials guide to include all disciplines.
- Update and revise consumer guide to include all disciplines.
- Develop paper promotional materials for colleges.

Objective 5.5

- See objective 3.9.

Objectives 5.6

- See objective 5.4.

Objective 5.7

- Research feasibility of creating a Board "app" for smartphones, and contact DCA Public Affairs office to discuss social networking opportunities.
- Develop license lookup through smartphone "app".
- Develop business lookup through smartphone "app".
- Make website more user friendly and "mobile app" friendly.
- Explore Use of Social Media to Improve Communication (i.e. Facebook, Twitter, LinkedIn)

Administrative Workgroup

During the March 2012 meeting and at the request of the Executive Officer (EO), the Board approved a motion for the EO to form an administrative committee to assist with various administrative processes and issues.

A review of the Board's current operating procedures (Article 3) reveals that an Administrative Workgroup (AW) is more appropriately assigned to these tasks since the Administrative Committee is defined as one of the Board's Standing Committees which must be comprised solely of current Board Members.

Workgroup participants will be selected by the EO with approval by the Board President in accordance with the aforementioned Operating Procedures. Reports and recommendations from the Workgroup will be reported by the EO at the Board Meetings as necessary.

Work Plan for FY 2012-13

Assignments for the AW for FY 2012-13 will be comprised of:

1. Assist the EO and Board staff with evaluations and recommendations towards improving the overall investigative process and decreasing the complaint aging. (SP Goal 1, Objectives 1.1, 1.3, and 1.6)
2. Assist the EO with facilitating an audit of licensing applications with the goal of ensuring that the Board is appropriately and consistently performing adequate review and approval. (SP Goal 3, Objectives 3.3)
3. Review the current Board Operating Procedures (last revised 3/1999) and recommend necessary revisions as required. (SP Goal 5, Objectives 5.4)
4. Review the Technical Advisory Committee Operating Procedures (last revised 2/1995) and recommend necessary revisions as required. (SP Goal 5, Objectives 5.4)

Recommendation

Staff recommends that that Board approve a new motion recognizing that this Administrative Workgroup will be a work group as defined in the Board's current Operating Procedures, Article 3 in lieu of the March 2012 Board motion for the sake of clarity.

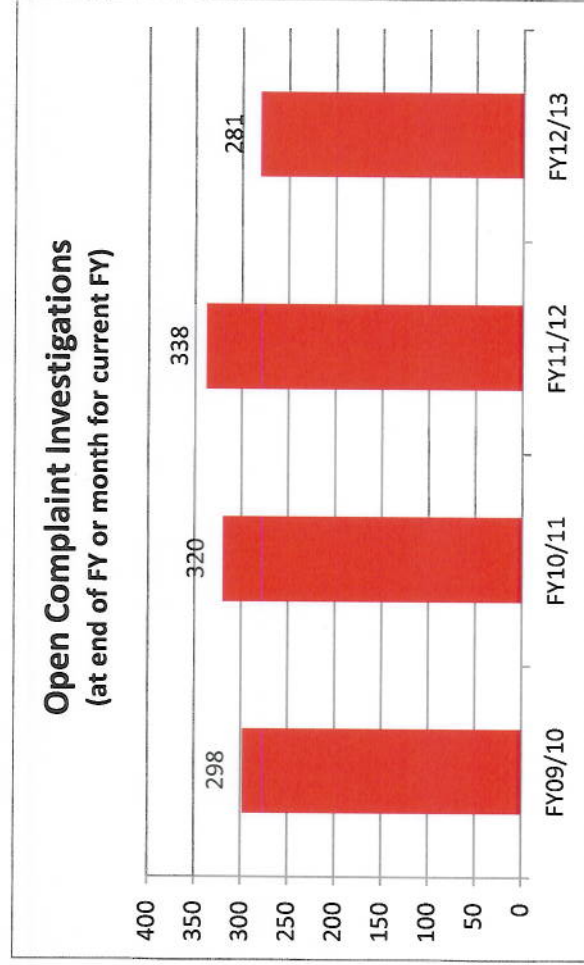
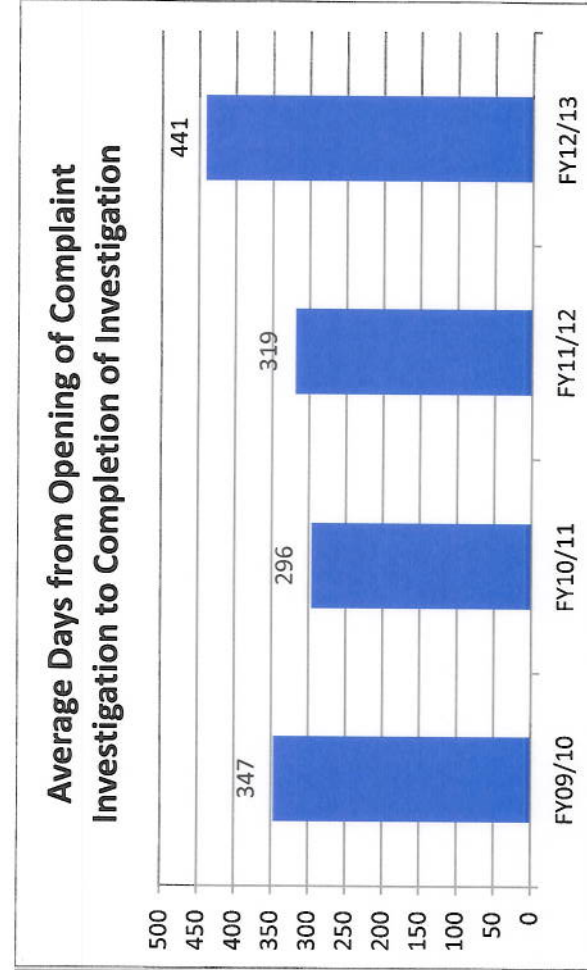
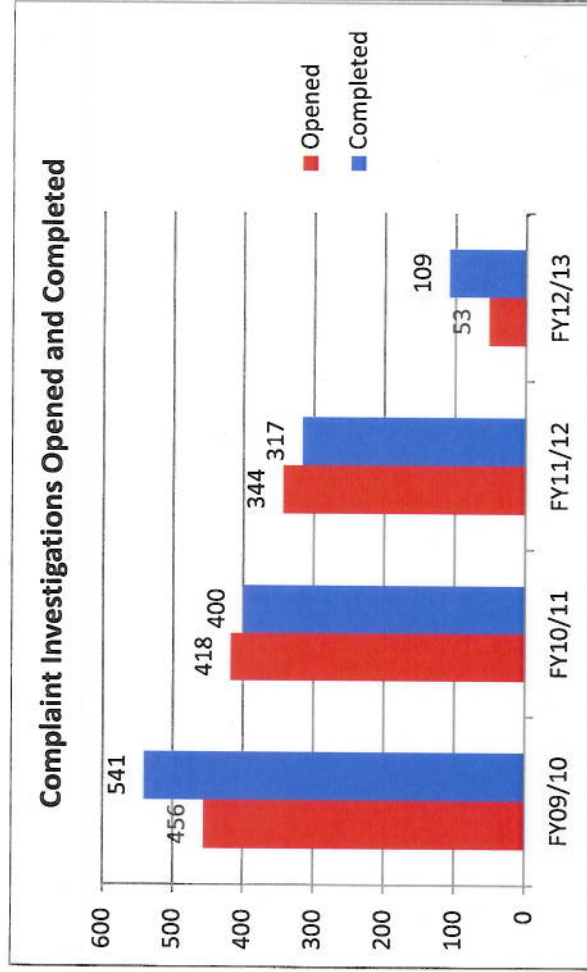
VIII.

ENFORCEMENT

- A. Enforcement Statistical Reports
- B. Presentation on the Citation Process
- C. Presentation on the Administrative Disciplinary Process

PELS ENFORCEMENT PROGRAM

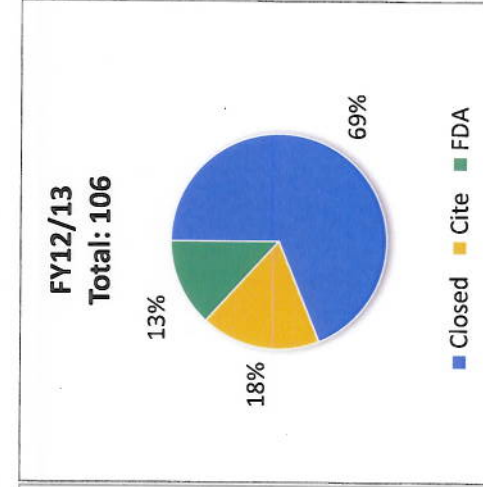
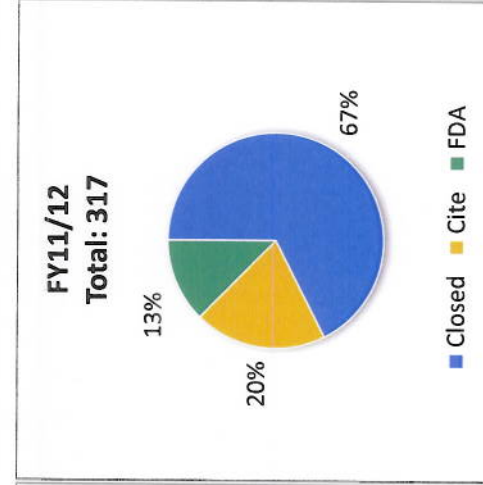
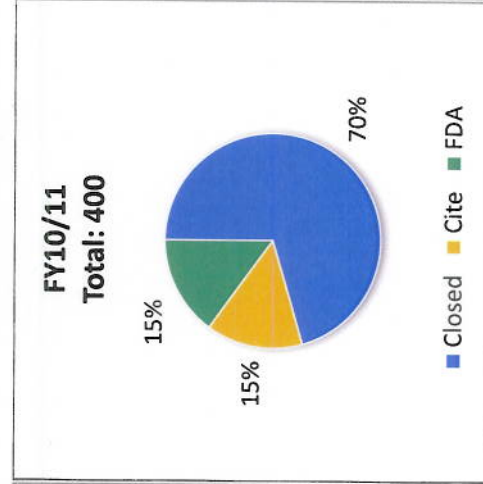
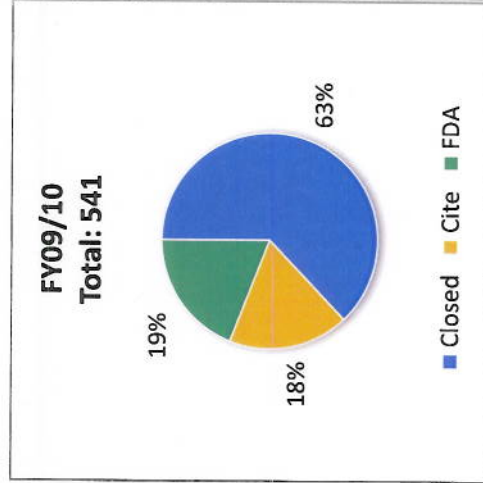
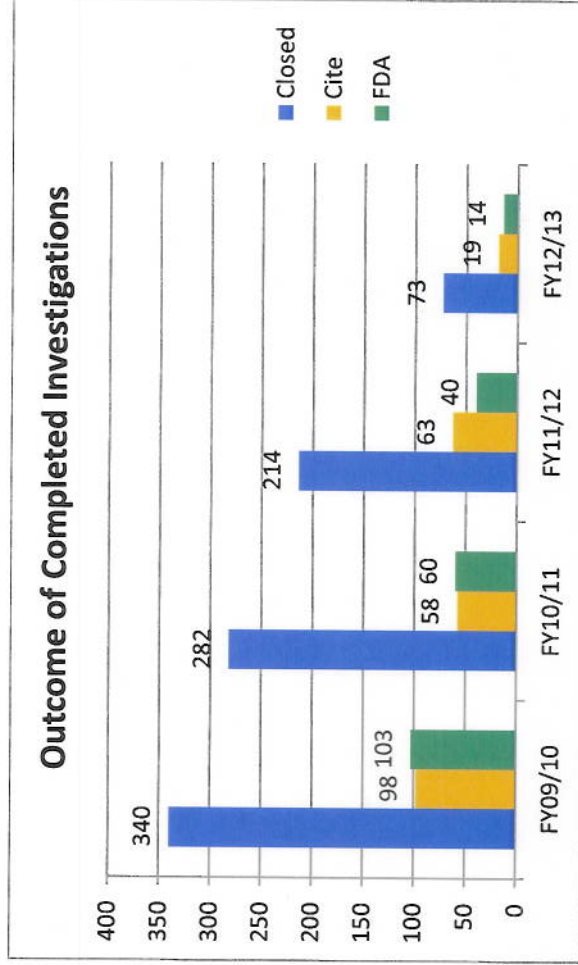
Complaint Investigation Phase



NOTE: All FY12/13 statistics are through September 30, 2012

PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations

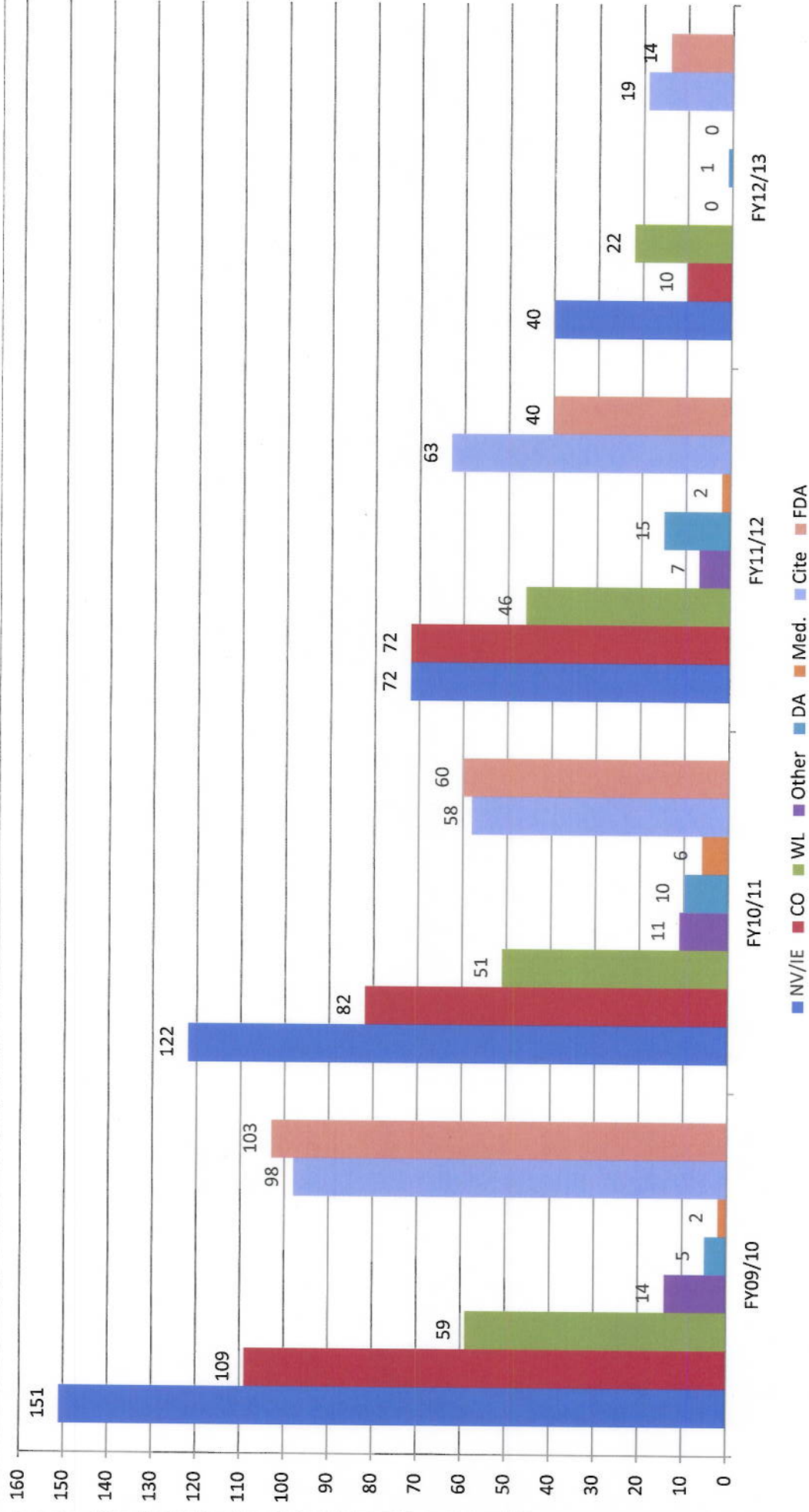


NOTE: All FY12/13 statistics are through September 30, 2012

Closed = Closed with No Action Taken, includes the categories listed on the next page.
 Cite = Referred for Issuance of Citation
 FDA = Referred for Formal Disciplinary Action

PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: All FY12/13 statistics are through September 30, 2012

Closed = Closed with No Action Taken, includes the categories listed below:

NV/IE = No Violation/Insufficient Evidence

CO = Compliance Obtained

WL = Warning Letter

Other = Other Reason for Closing Without Action (e.g., subject deceased)

DA = Referred to District Attorney with Request to File Criminal Charges

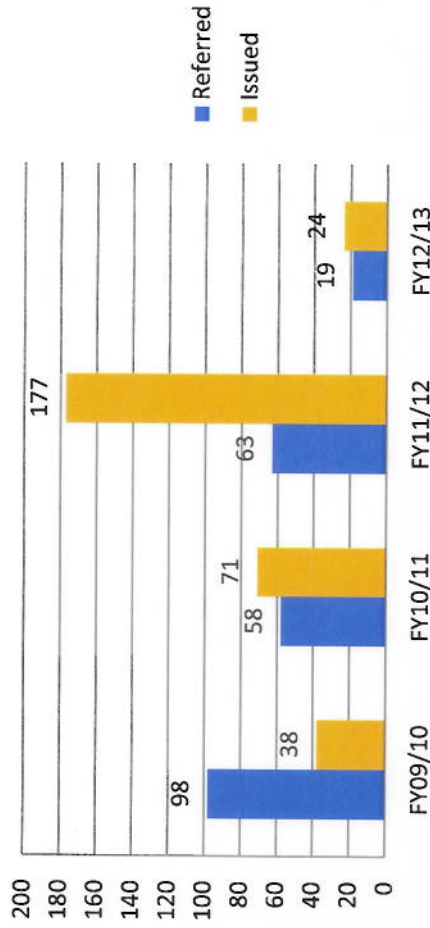
Med. = Mediated

Cite = Referred for Issuance of Citation
FDA = Referred for Formal Disciplinary Action

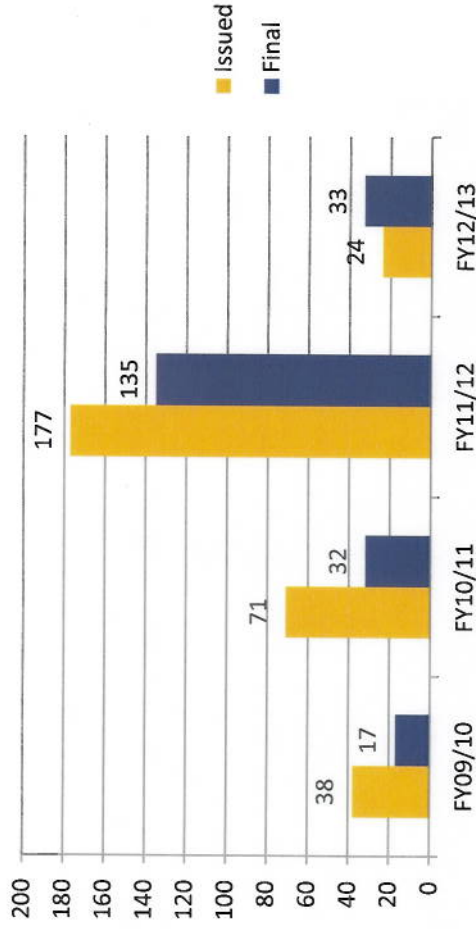
PELS ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred
and Number of Citations Issued



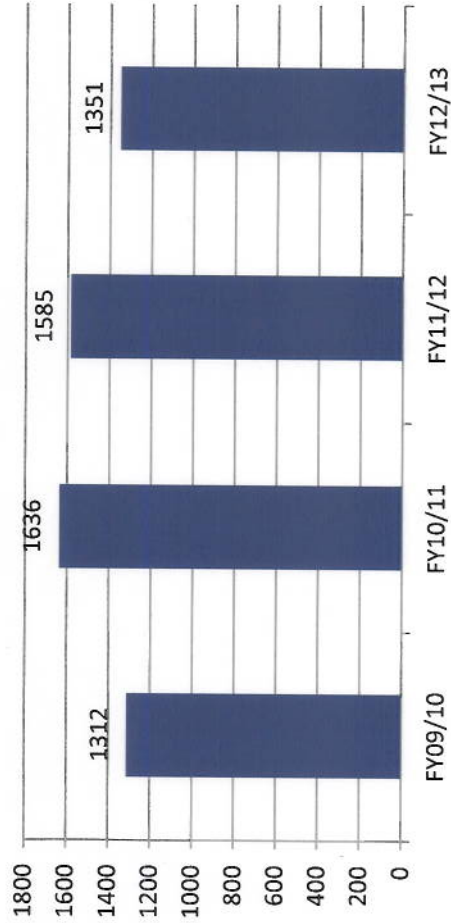
Number of Citations Issued and Final



Average Days Between Date of Issuance of Citation
and Date Citation Becomes Final



Average Days from Opening of Complaint Investigation
to Date Citation Becomes Final

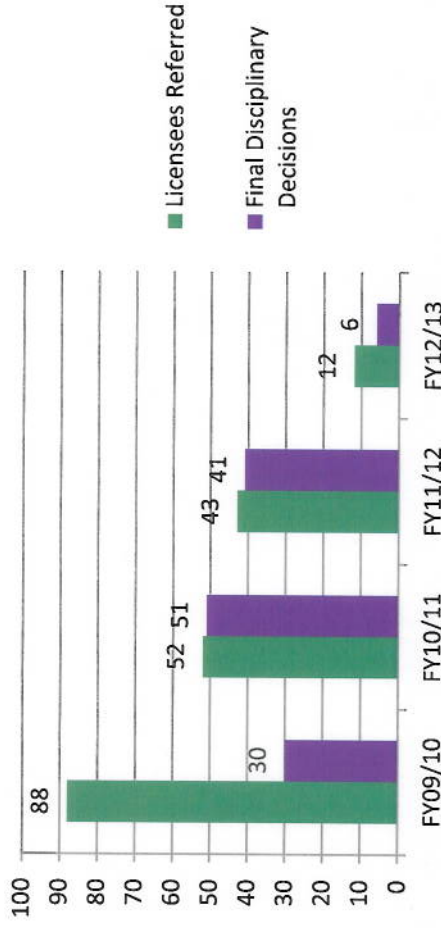


NOTE: All FY12/13 statistics are through September 30, 2012

PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees

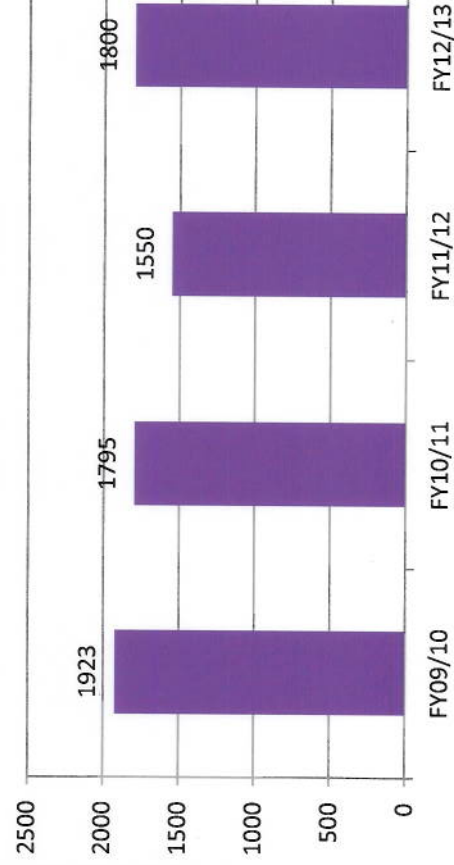
Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions



Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision



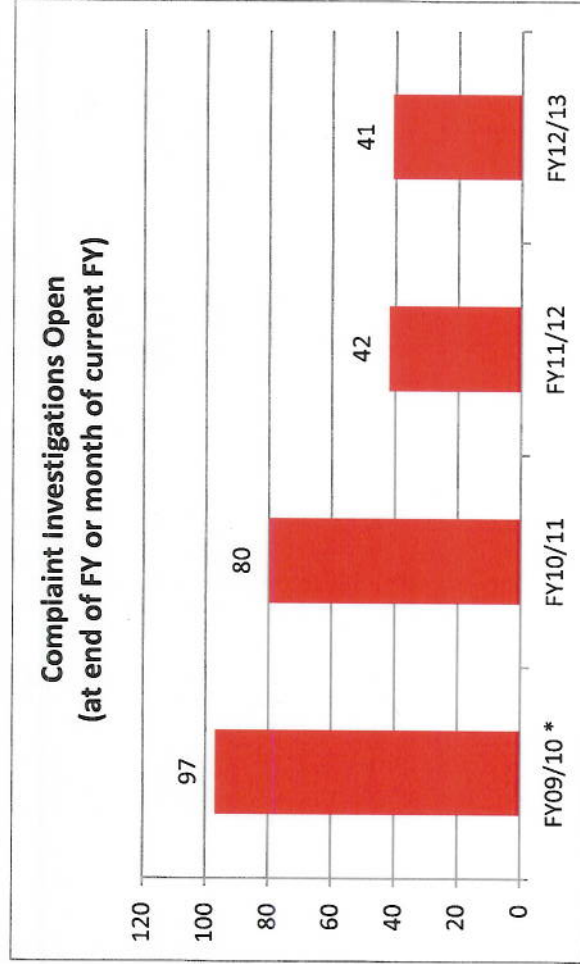
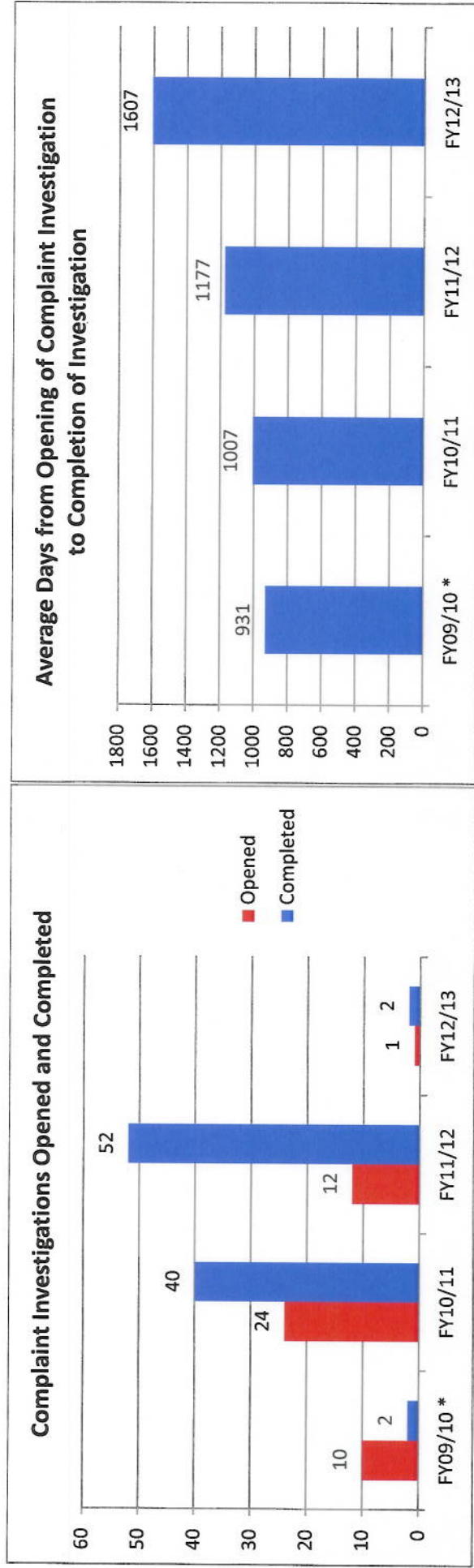
Average Days from Opening of Complaint Investigation to Effective Date of Final Decision



NOTE: All FY12/13 statistics are through September 30, 2012

G&G ENFORCEMENT PROGRAM

Complaint Investigation Phase

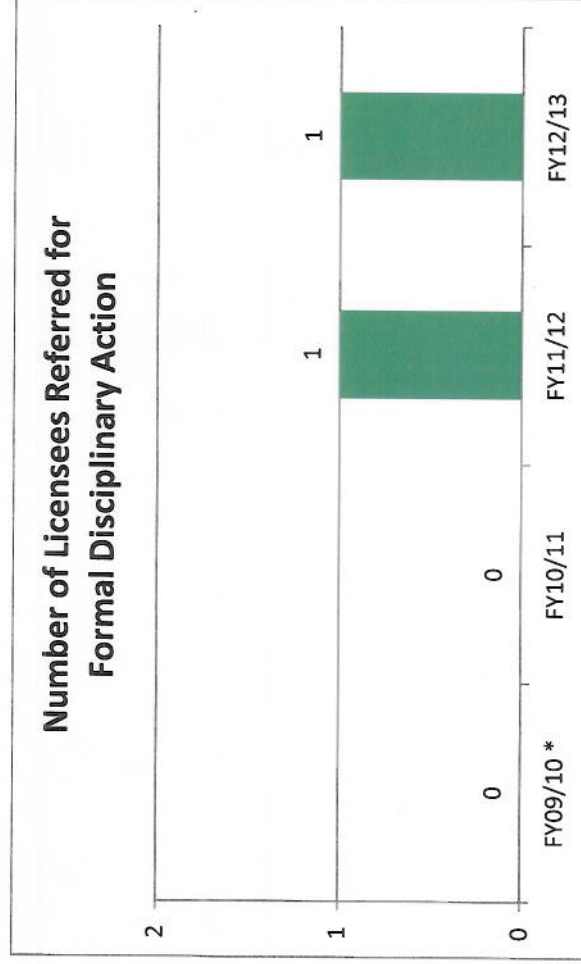
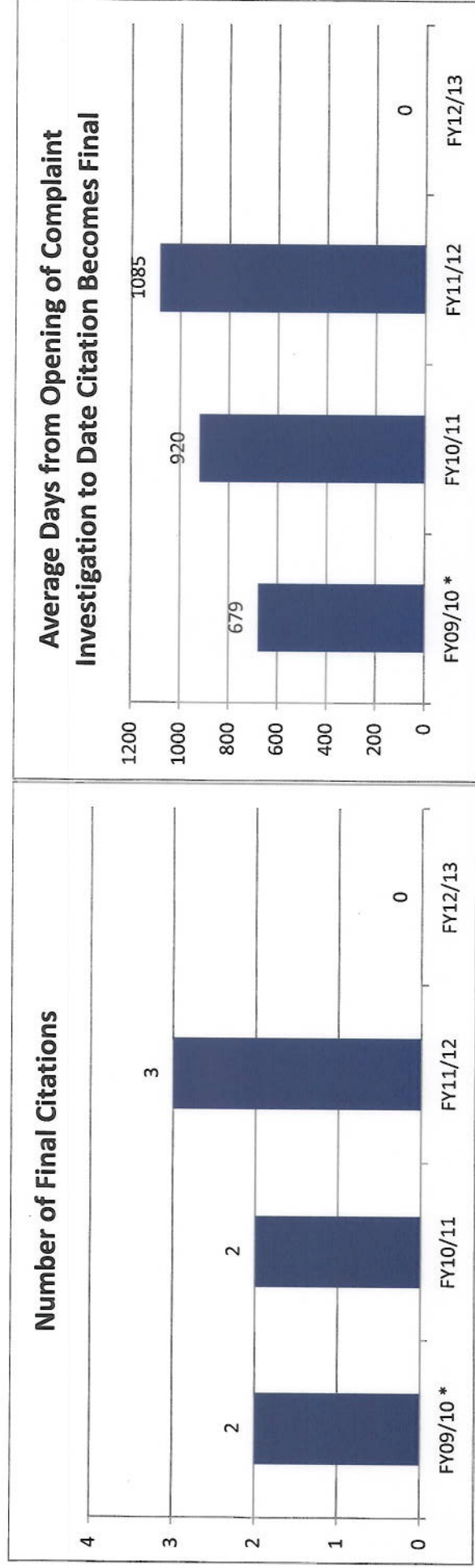


* FY09/10 is only from January through June 2010, when BGG was merged with BPELS

NOTE: All FY12/13 statistics are through August 31, 2012

G&G ENFORCEMENT PROGRAM

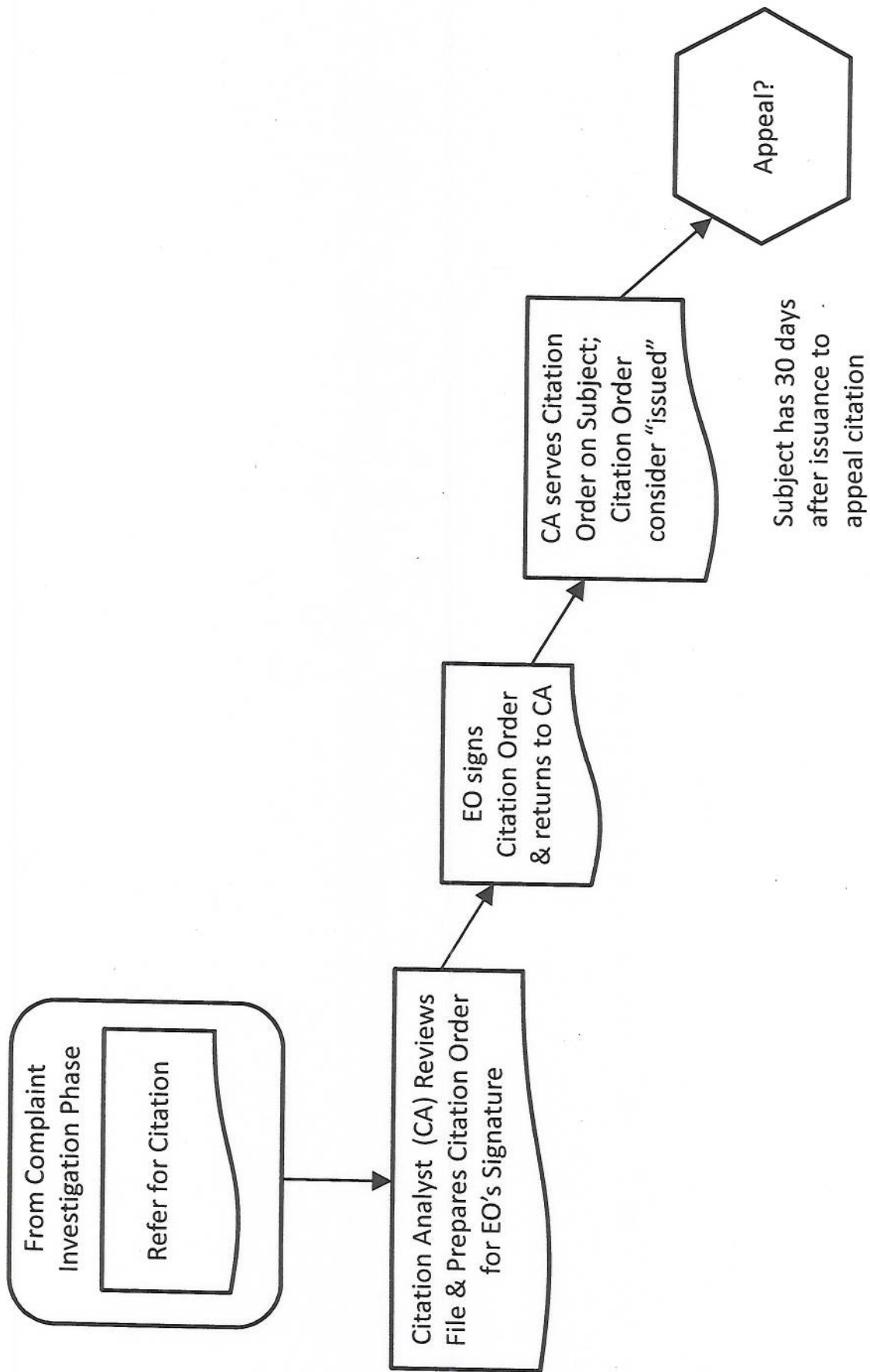
Citations (Informal Enforcement Actions) and Formal Disciplinary Actions against Licensees



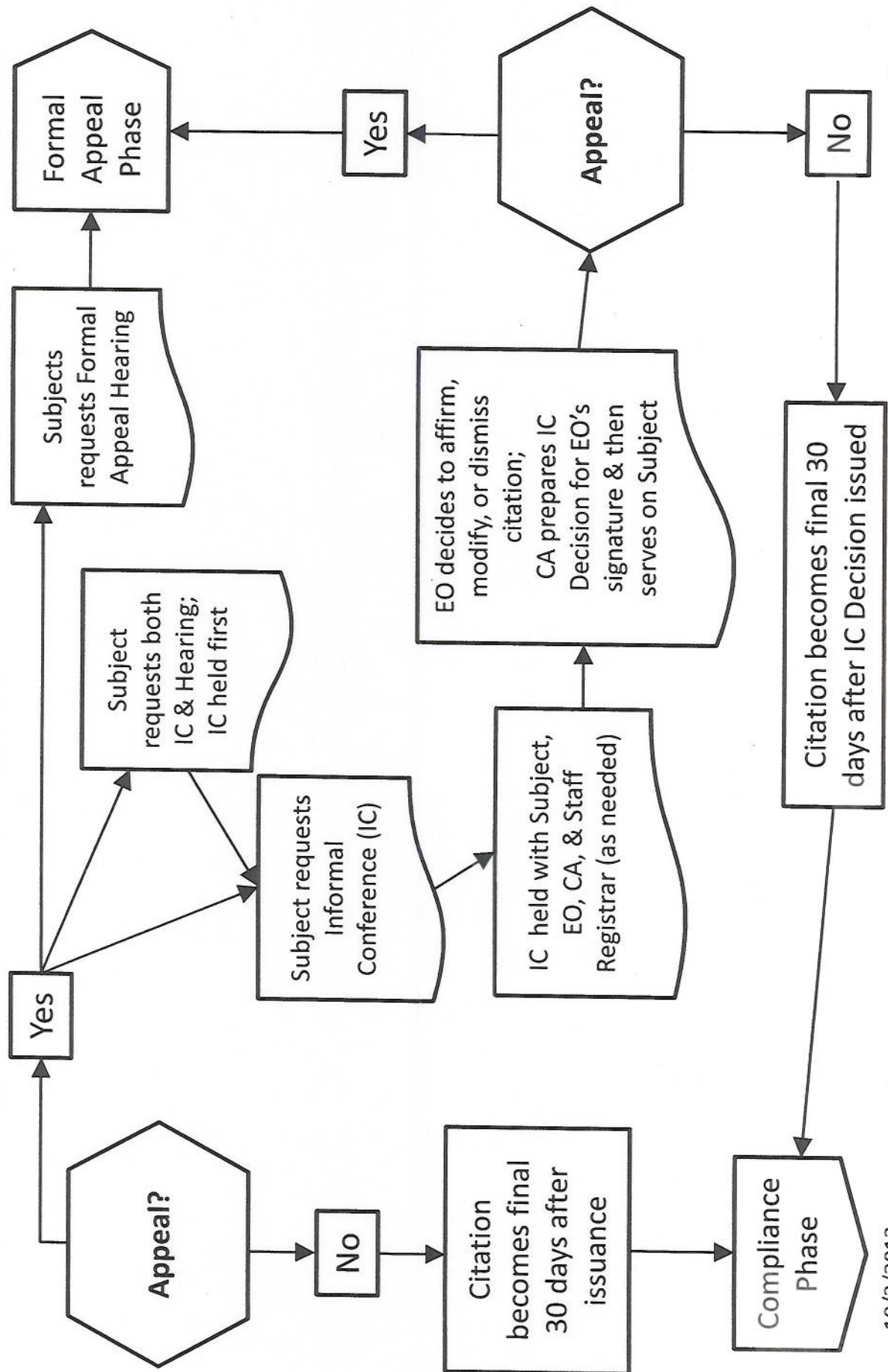
* FY09/10 is only from January through June 2010, when BGG was merged with BPELS
 NOTE: All FY12/13 statistics are through August 31, 2012

A. Enforcement Statistical Reports (See color inserts)

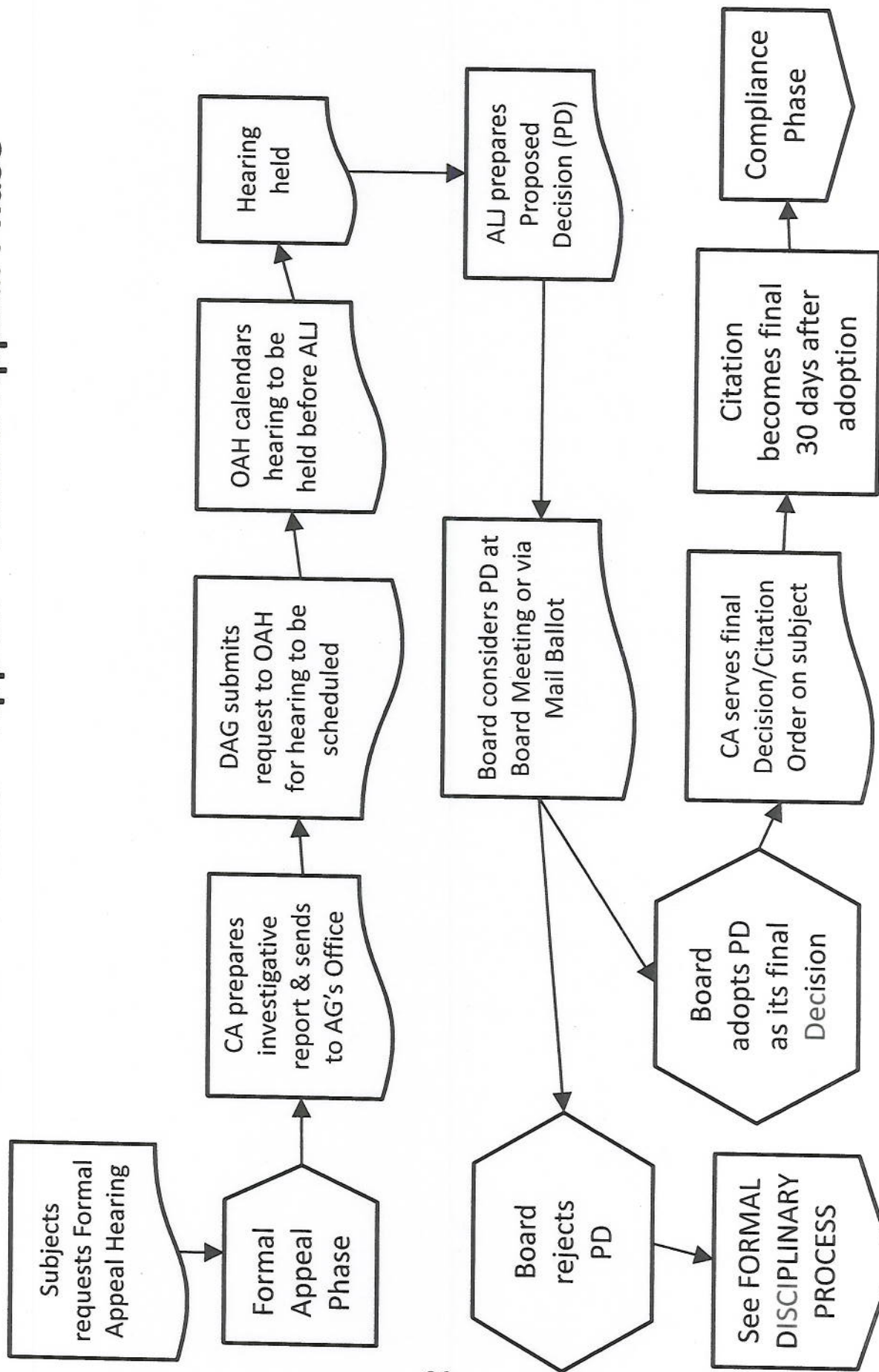
Citation Process – Issuance



Citation Process – Appeal – Informal Conference

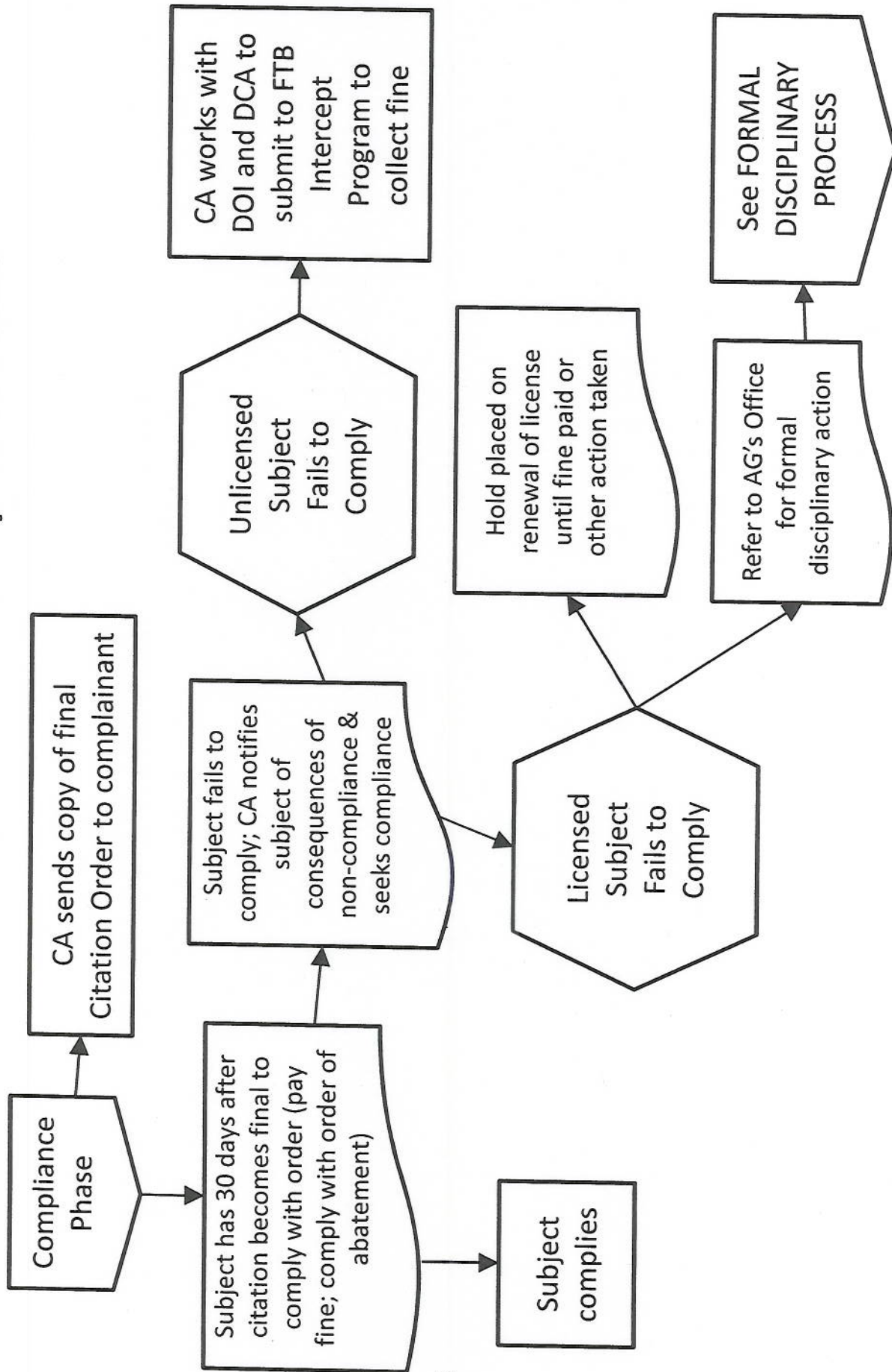


Citation Process – Appeal – Formal Appeal Phase

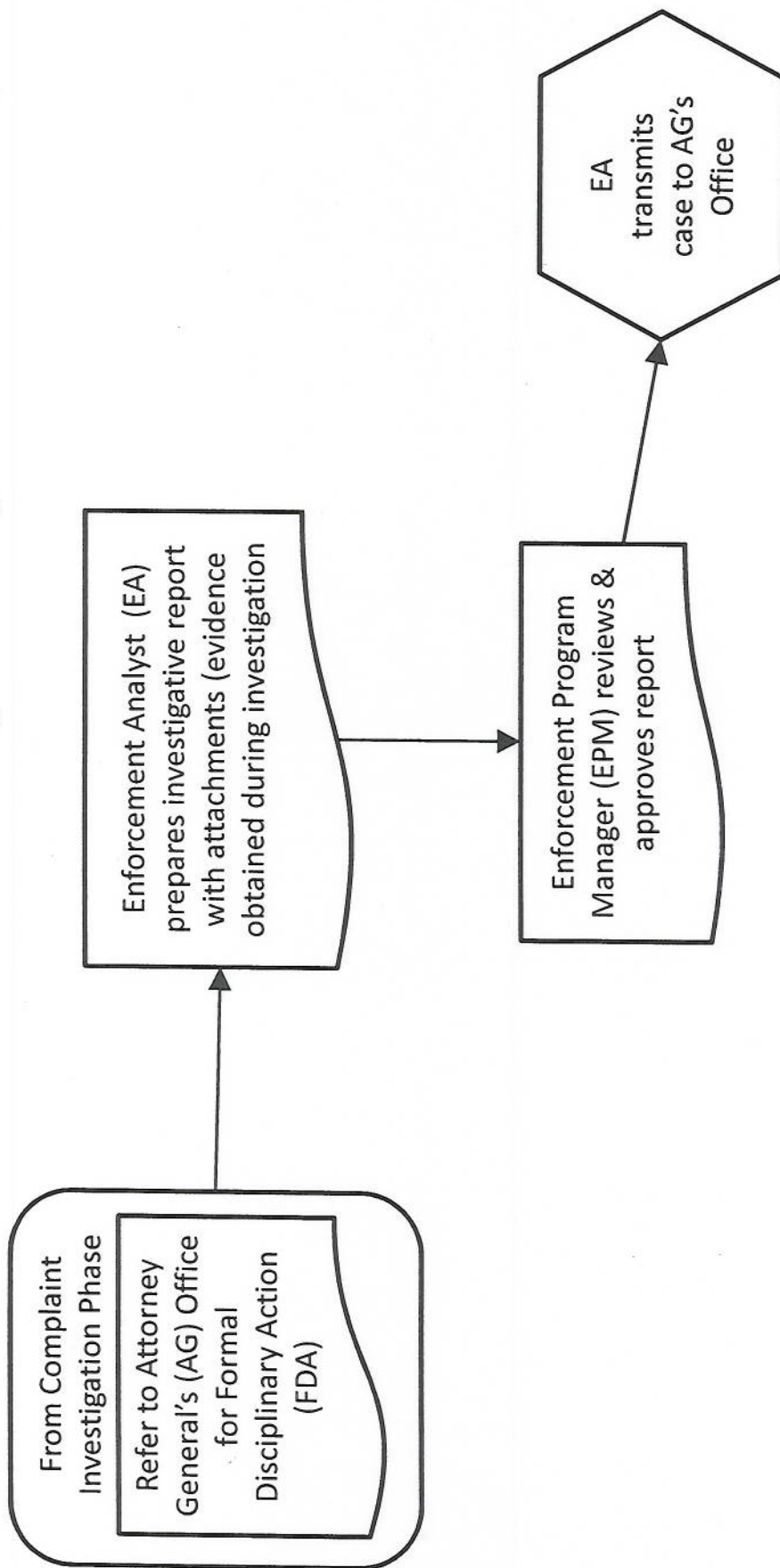


10/3/2012

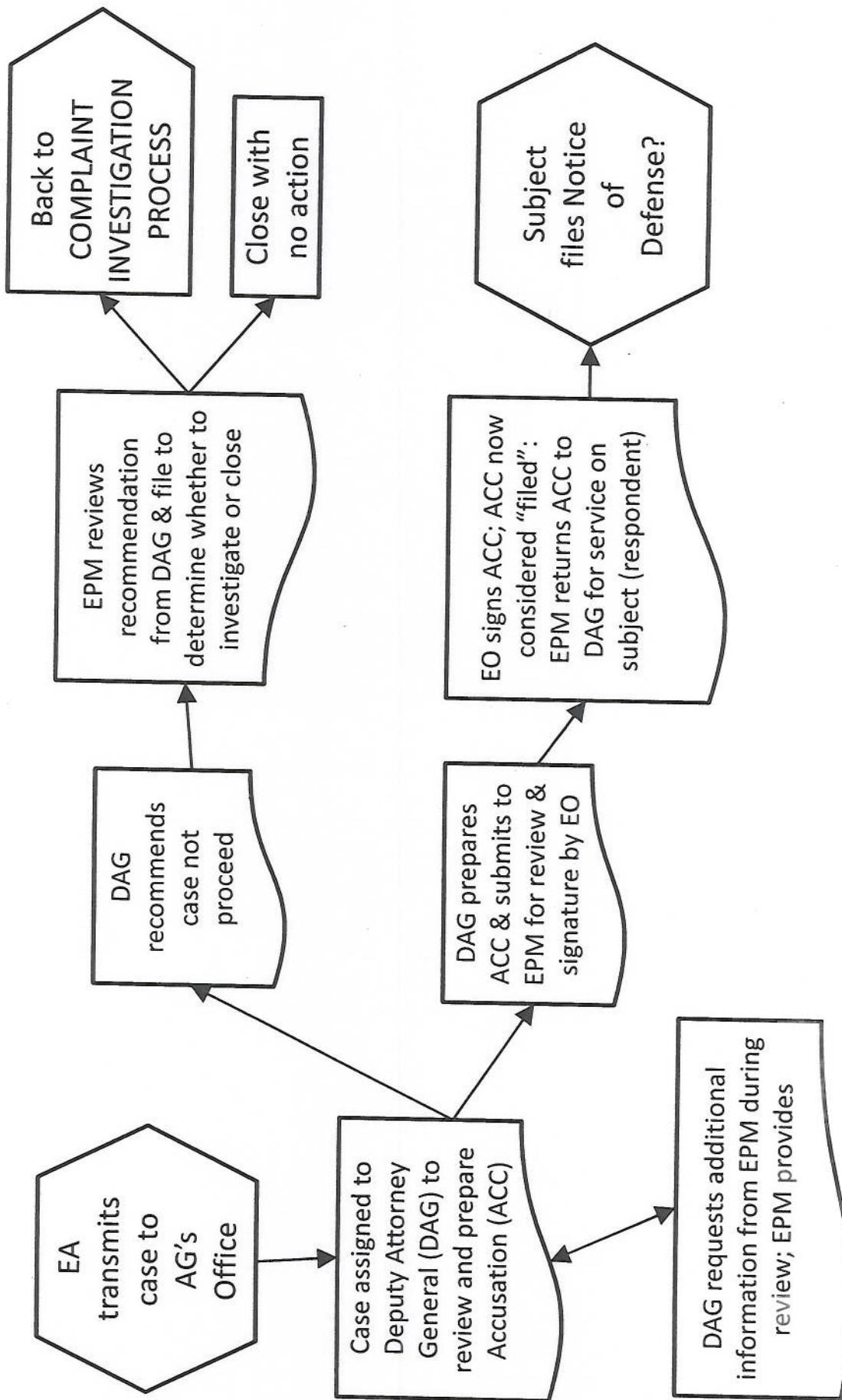
Citation Process – Compliance Phase



Formal Disciplinary Process

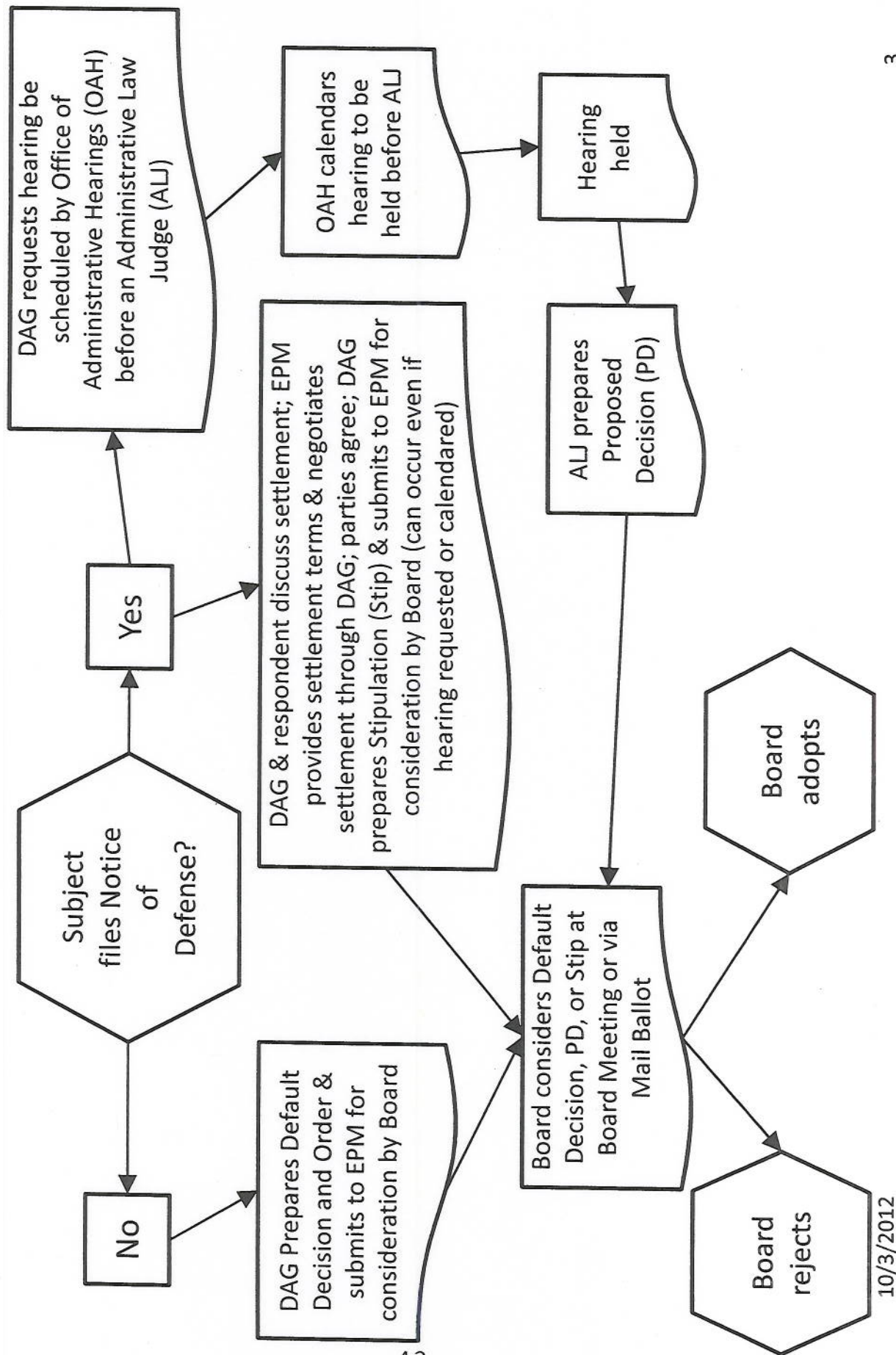


Formal Disciplinary Process Attorney General's Office Review

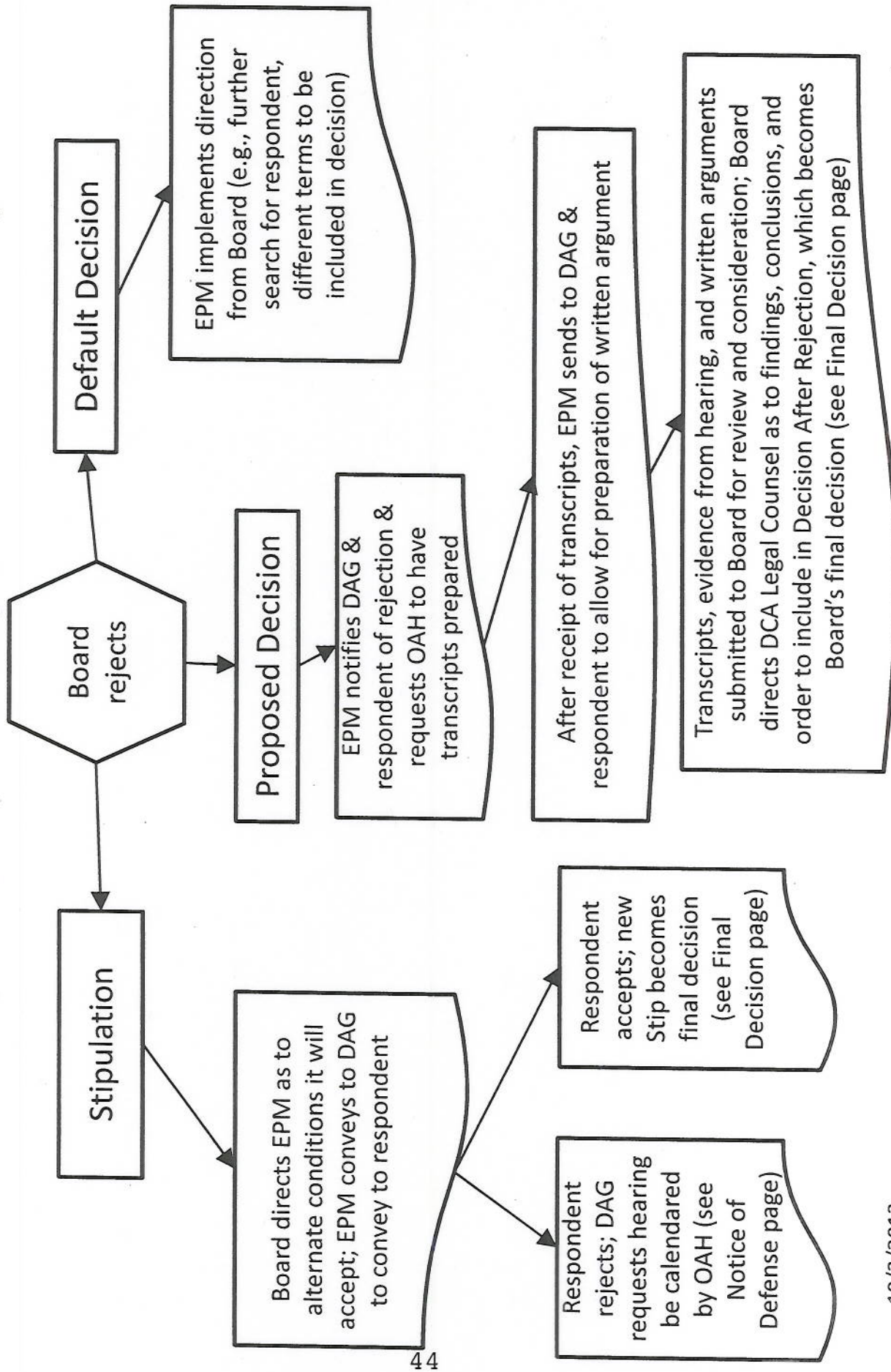


10/3/2012

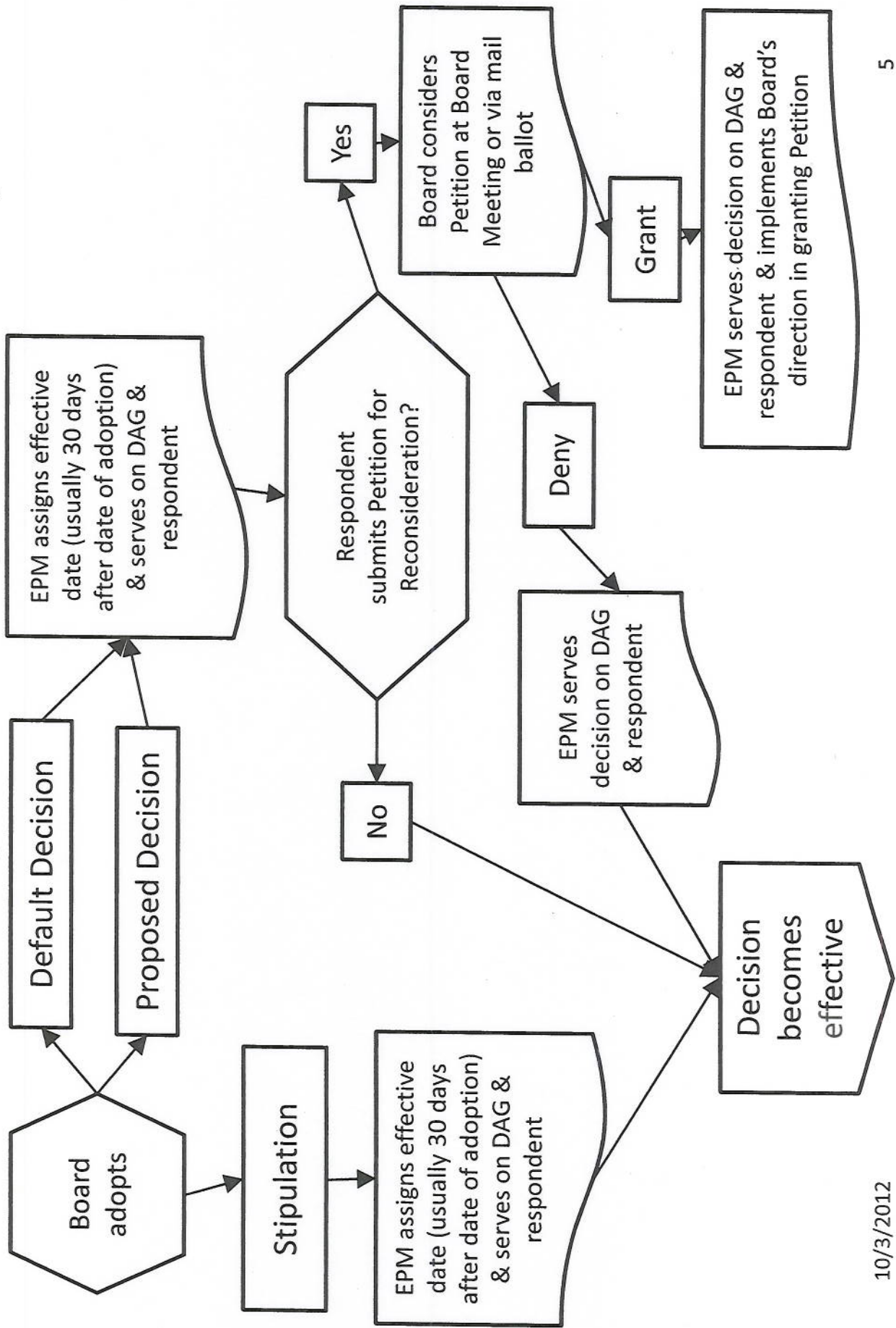
Formal Disciplinary Process – Notice of Defense



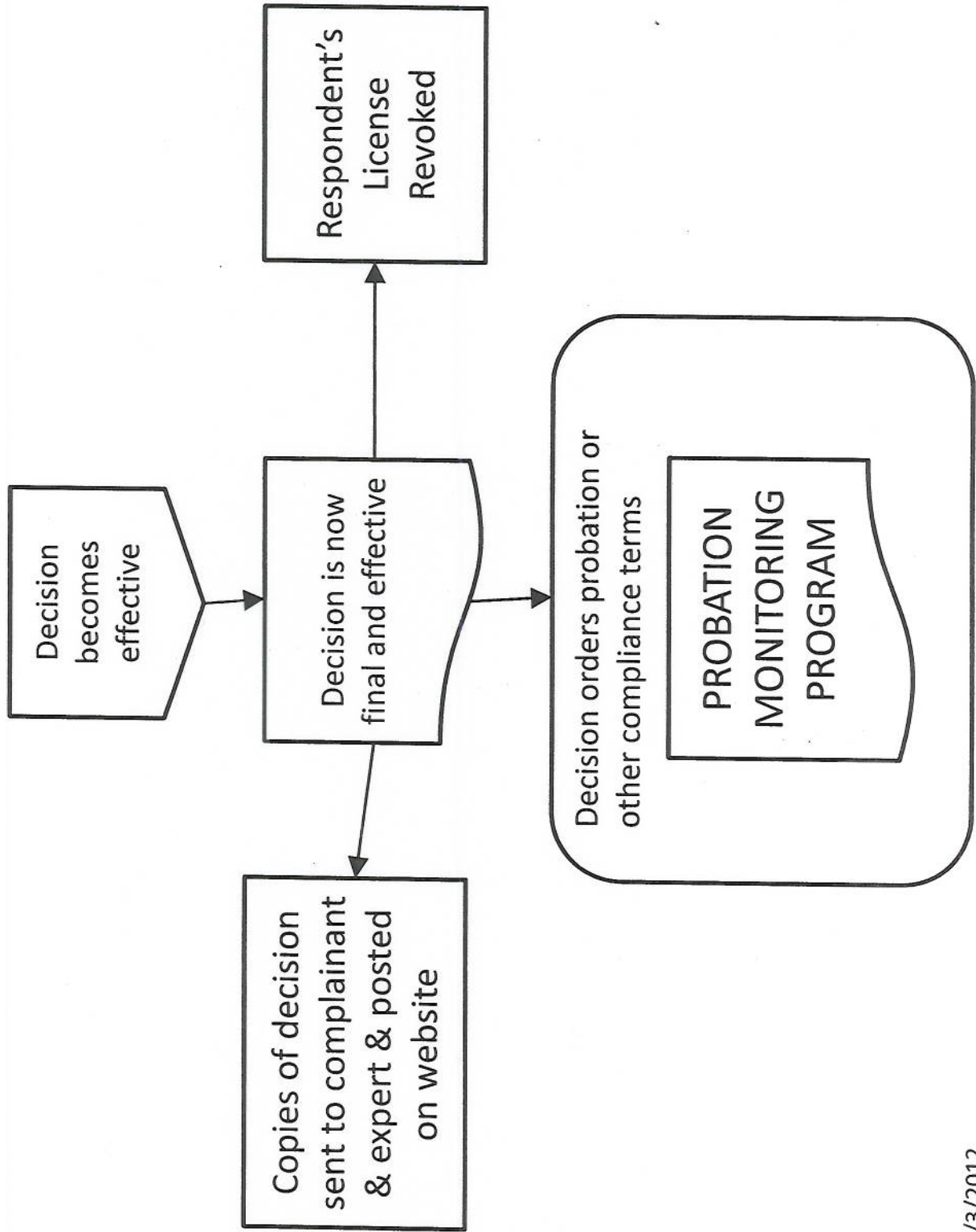
Formal Disciplinary Process – Rejection of Decision by Board



Formal Disciplinary Process – Adoption of Decision by Board



Formal Disciplinary Process – Final Decision



IX.

EXAMS/LICENSING

- A. Examination Update
- B. Audit of National Professional Geologist Written Examinations Outline

AUDIT OF NATIONAL PROFESSIONAL GEOLOGIST WRITTEN EXAMINATIONS OUTLINE

1. Review background information (current national occupational analysis and examination plans)
2. Audit ASBOG national examinations psychometric quality
3. Evaluate ASBOG fundamentals of geology occupational analysis and specifications in a 2-day workshop
4. Evaluate ASBOG practice of geology occupational analysis and specifications in a 2-day workshop
5. Review and verify findings of ASBOG examination audit in a 2-day workshop
6. Analyze data and prepare results

X. **APPROVAL OF DELINQUINT REINSTATEMENTS**

APPROVAL OF DELINQUENT REINSTATEMENTS

Motion: Approve the following 3 and 5-year delinquent reinstatement applications.

CIVIL

HOITE, JOHANNA

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

MECHANICAL

ENGEL, MICHAEL

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination.

STRANSKY, DAVID

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination.

XI.

ADMINISTRATION

A. FY 2012/13 Budget Overview

FY 2012/13 Budget Overview:

The information provided below is a summary of the Engineers and Land Surveyors Board fund and the Geologists & Geophysicists Account. The data is based on approved Governor's Budget, projected expenditures & revenue, projections to year-end, applications received and renewals processed through August 2012.

The Engineers and Land Surveyors (PELS) Fund as of August 31, 2012:

	FY 12/13	FY 11/12
Expenditures	\$1.7 Million	\$5.2 Million
Revenue	\$2.36 Million	\$3.45 Million
Applications	2,487	7,267
Renewals	8,544	8,454

Budget Allotment	\$9.32 Million
Projection to Year-End	\$7.35 Million
Surplus/Deficit	\$1.97 Million
Revenue (Year-End)	\$9.46 Million

Expenditures have been reduced by \$4.0 Million versus last FY as a result of no longer administering national exams. Applications have decreased as a result of no longer requiring EIT and LSIT applications. The Board projects applications to increase after the first exam cycle.

The Geologist and Geophysicists (GEO) Fund as of August 31, 2012:

	FY 12/13	FY 11/12
Expenditures	\$515 Thousand	\$194 Thousand
Revenue	\$175 Thousand	\$141 Thousand
Applications	86	59
Renewals	536	612

Budget Allotment	\$1.37 Million
Projection to Year-End	\$1.12 Million
Surplus/Deficit	\$247 Thousand
Revenue (Year-End)	\$996 Thousand

Expenditures have increased as a result of multiple exam development and occupational analysis contracts with OPES (Office of Professional Exam Services). Overall, expenditures and revenue at year-end should remain consistent with historical averages.

XII.

TECHNICAL ADVISORY COMMITTEES (TACs)

- A. Board Assignments to TACs
- B. Appointment of TAC Members
- C. Reports from the TACs
 - 1. Proposed LS TAC Workplan

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov

**PROPOSED
WORK PLAN
TECHNICAL ADVISORY COMMITTEE (PROFESSIONAL LAND SURVEYOR)****INTRODUCTION**

TAC (PLS) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers and Land Surveyors. The input may take the form of assistance to Board staff, direct assistance to the liaison Board members, or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the TAC (PLS) will be in the interest of safeguarding property and public welfare.

YEAR PLAN

1. To assist the Board staff in the review of applications for licensure as a Professional Land Surveyor.
2. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practice of land surveying and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested procedures, information required, and questions to be asked with regard to enforcement issues relating to the practice of land surveying, and to advise the Board staff upon review of such enforcement cases.
4. To meet in closed session to address specific consumer and inter-professional complaints, and make recommendations to the Board regarding their solutions.
5. To review proposed legislation that would affect the practice of land surveying.
6. To review ABET matters regarding the practice of land surveying when referred by the Board.
7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding land surveying when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.
9. To review the sections of the Subdivision Map Act (SMA) including the releasing of the surveyor responsibility for monuments shown to be set on maps and recommend changes to the SMA or regulation, if deemed necessary.
10. To assist Board staff in the review of Board Rule 425 - Responsible training and educational requirements and make recommended changes to meet practice standards.

XIII.

LIAISON REPORTS

- A. ASBOG
- B. ABET
- C. NCEES
- D. Technical and Professional Societies

ABET Visits

Dates	College/University	Board Member/Staff
October 7,8,9	Loyola Marymount University	OPEN
October 14,15,16	UC Berkeley	Erik Zinn, Board Member
October 21, 22, 23	CSU, Los Angeles	OPEN
October 21, 22, 23	CSU, Long Beach	Carl Josephson, Board Member
October 28, 29, 30	Humboldt State University	Brooke Phayer, Staff Member
November 4,5,6	UC Davis	Paul Wilburn, Board Member
November 4,5,6	UC Riverside	Robert Stockton, Board Member
November 4,5,6	University of the Pacific	Patrick Tami, Board Member
November 28, 29, 30	UCLA	Mike Modugno, Board Member

XIII. Liaison Reports
Technical and Professional Societies

Date	Organization	Staff	Topic
7/26/2012	CLSA Northern Counties Chapter	Ric, Ray, & Nancy	BPESG 2012 Updates, Exam Changes and New Fee Structure
9/12/2012	CLSA Sonoma Chapter	Ric, Ray, & Nancy	BPESG 2012 Updates, Exam Changes and Enforcement Process
9/22/2012	CLSA (Southern California Chapters)	Ric & Ray	PLS Application, Exam Changes and New Fee Structure
10/10/2012	CLSA East Bay Chapter	Ray	BPESG 2012 Updates, Exam Changes and New Fee Structure
10/10/2012	ASCE LA Younger Member Forum	Ric, Nancy, Carl, & Kathy	Role of the Board, changes in Licensure Process, and New Fee Structure
10/11/2012	LCSO	Ric	PLS Act Concerns

XIV.

2013 BOARD MEETING DATES

2013 Board for Professional Engineers, Land Surveyors, and Geologists

Board Meetings

January 2013						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 2013						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 2013						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

October 2013						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2013						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

August 2013						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

May 2013						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2013						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

December 2013						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2013						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

June 2013						
S	M	T	W	T	F	S
30						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March 2013						
S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Holidays

Jan 1	New Year's
Jan 21	M. L. King, Jr. Day
Feb 18	President's Day
Apr 1	Cesar Chavez Day
May 27	Memorial Day
July 4	Independence Day
Sept 2	Labor Day
Nov 11	Veteran's Day
Nov 28-29	Thanksgiving Break
Dec 25	Christmas

Key

Check Important Dates Section

Holidays	Exam Dates	NCEES WZ In SF	Proposed Mtg Dates
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2013

XV.

PRESIDENT'S REPORT/BOARD MEMBER ACTIVITIES

XVI.

OTHER ITEMS NOT REQUIRING BOARD ACTION

XVII. APPROVAL OF CONSENT ITEMS

- A. Approval of the Minutes of the August 30, 2012 Board Meeting

DRAFT
**MINUTES OF THE BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

**2535 Capitol Oaks Drive, Third Floor Conference Room
Sacramento, California 95833
(916) 263-2222**

August 30, 2012

Board Members Present: Paul Wilburn, President; Erik Zinn, Vice President; Kathy Jones Irish; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Jerry Silva; Robert Stockton; and Patrick Tami.

Board Members Absent: Ray Satorre and Michael Trujillo

Board Staff Present: Ric Moore (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Ray Mathe (Staff Land Surveyor); Susan Christ (Staff Civil Engineer); Patty Smith (Analyst, Geology Program); Larry Kereszt (Enforcement Analyst); Tiffany Criswell (Enforcement Analyst); Linda Brown (Certification Manager); Jeff Alameida (Budget Analyst); Brooke Phayer, (Public Information Analyst) ErinLaPerle, (Analyst Geology Program) and Gary Duke (Legal Counsel).

I. **Roll Call to Establish a Quorum** Roll call was taken, and a quorum was established.

II. **Public Comment**

Mr. Copeland, representing PEEG, alerted the Board to a concern raised by their membership regarding experience requirements for traffic engineering licensure and those individuals who hold a civil engineering license. He shared a case in which a candidate for the traffic engineering license does not have a civil engineering degree. The experience requirement for a civil engineering degree holder who has a PE license is less than those for individuals who hold a related degree and apply for the traffic engineering license. Mr. Copeland believes the areas are somewhat related and there should be some consideration for the civil engineering license that is held by this particular candidate. His request is that he would like the Board to investigate this further and identify the areas of the

Business and Professions Code that would need to be amended in order to rectify this issue and requests assistance from Board staff identifying the proper sections to be changed. Mr. Moore suggested contacting the Board's Civil Engineer Registrar Susan Christ, and Mr. Copeland thanked the Board for considering his request.

V. Certificates of Authorization for Engineering, Land Surveying, Geological, and Geophysical Businesses

Mr. Tami explained that, most states require companies that perform engineering and surveying work in their state to obtain a certificate of authorization which allows them to state who their licensee is and who is in responsible charge. Mr. Tami would like to investigate the possibility of amending the law to mandate that an Organization Record be completed. Currently, if someone does not have an Organization Record the Board simply requests one to be filed.

Ms. Eissler advised that would be beneficial if the Board had more authority over businesses where the business is required to obtain authorization from the Board that indicates that they are authorized and meet our legal requirements to offer their services here, whether they are a California business or out-of-state business. There are often inquiries, especially from companies based in other states asking if they need to obtain a certificate of authorization or once they have submitted an Organization Record form asking when they will get their certificate to practice; Board staff advises them that the Board does not issue certificates of authorization. The forms are geared so if the public were to contact the Board and ask about the business, the Board would have the information indicating that they were in compliance. Mr. Tami pointed out that the Disassociation Form is also beneficial in enforcement cases where an individual leaves a firm and the firm continues to use their license without their knowledge.

Mr. Tami is requesting that the Board direct staff to look into regulations for certificates of authorization. Mr. Duke indicated that currently, the Board does not have jurisdiction over firms themselves, just the individuals and would require statutory authority for it to be accomplished. Ms. Eissler added that there is no requirement in the Geologist and Geophysicist Act or regulations requiring the submission of any forms. Mr. Tami added that NCEES has model language that the Board can review.

President Wilburn directed staff to begin researching this issue and present recommendations at a future meeting.

VI. Temporary Authorization Applications

No report given.

VII. Executive Officer's Report

A. Legislation

1. Discussion of Legislation for 2011-2012

a. Pending Legislation:

Ms. Arnold provided an update regarding the legislation the Board is following.

- AB 1588** Atkins. Professions and vocations: reservist licensees: fees and continuing education. This bill would require the boards within Consumer Affairs to waive the renewal fees and continuing education requirements, if applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.
BOARD POSITION: Support
STATUS: To Enrollment
- AB 1750** Solorio. Rainwater Capture Act of 2012. This bill was amended August 24, 2012 and would authorize residential, commercial, and governmental land owners to install, maintain, and operate rain barrel systems and rainwater capture systems, as defined provided that the systems comply with specified requirements.
BOARD POSITION: Watch
STATUS: To Enrollment
- AB 1904** Block. Professions and vocations: military spouses: expedited licensure. This bill would require a board within DCA to expedite the license process for an applicant who, holds a license in another jurisdiction, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States assigned to duty in California.
BOARD POSITION: Watch
STATUS: To Enrollment
- AB 2570** Hill. Licensees: settlement agreements. This bill would prohibit a licensee who is regulated by DCA, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program, except as specified.
BOARD POSITION: Support
STATUS: To Enrollment
- SB 975** Wright. Professions and vocations: regulatory authority. This bill would provide that the California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists have sole and exclusive authority to license and regulate the practice of the professions they regulate. No licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions by code or by regulation promulgated except by the applicable board.
Ms. Arnold distributed the most recent version of the bill which was dated, August 22, 2012. Ms. Arnold stated that this bill has been amended to require the Board to hold hearing if anyone requested the Board make changes to its laws. She believes that this bill creates an unknown

workload and burden for the Board and staff.

Mr. DeWitt, representing ACEC, stated that their organization is sponsoring the bill and are asking the Board for support. He indicated that the problem arose when the Water Resources Board imposed additional licensing requirements, and ACEC felt they were exceeding their authority. ACEC believes it is important that the Board control engineering practice and not diffuse it to other agencies. Mr. Tami believes it is important and the reason the Board exists. Mr. Duke indicated once people have that tool, the Board may become very busy and that it remains to be tested.

RECOMMENDED POSITION (8/30/12): Oppose

BOARD POSITION: Watch

MOTION: Mr. Zinn/Mr. Stockton moved to support.

VOTE: 6-4, motion carried. President Wilburn, Mr. Josephson, Ms. Irish, and Mr. Silva voted nay

SB 1061 Walters. Professional Engineers. This bill (which is identical to last year's SB 692) would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. This bill also would authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed. This bill is dead.

BOARD POSITION: Oppose

SB 1576 Committee on Business, Professions and Economic Development. Professions and vocations. This is one of the Committee's omnibus bills. (Amends section 6795 of the Professional Engineer's Act and sections 8741, 8762 and 8773 of the LS Act.) This bill, among other things, revises the exemption from the taking of the LSIT to civil engineers licensed prior to January 1, 1982, expands the definition of "establish" when filing a record of survey to include "location, relocation, reestablishment or retracement," and corrects section 6795 to read that renewals are done every two years on a staggered quarterly basis rather than a monthly basis.

STATUS: Amended 8/23/12. Passed SEN and ASM Committees – to be heard on Assembly Floor.

BOARD POSITION: Support

B. Strategic Plan Update

Mr. Alameida provided a synopsis of what was completed in Fiscal Year 2011/2012. A multitude of tasks were completed such as increase in staff, submission of a BCP for a Geologist Registrar, received fingerprinting authority via legislation, approved fee structure, and elimination of the appeals of national examinations. Out of state travel is still outstanding, and the Board will continue to seek approval.

Mr. Alameida added there are items that Board staff is proposing to

complete this fiscal year including seeking regulatory approval of fingerprinting authority, expanding licensure outreach, and developing Board publications. He believes we can surpass the goals set. He will include more specific tasks next time.

C. Personnel

Mr. Moore announced that due to the new state budget requirements the Board was required to lay-off two student assistants and several retired annuitants. However, due to medical leaves, the Board was allowed to retain two of the retired annuitants until March. Joyce Hirano, Senior Civil Engineer Registrar, will be retiring by the end of the year. The Board has filled the fingerprinting position with a start date of September 4th and hopes to fill the examination analyst position soon.

D. Administrative Task Force

Mr. Moore will have recommendations for presentation at the next meeting.

VIII. Enforcement

B. Presentation on the Complaint Investigation Process

Mr. Moore provided information pertaining to the complaint investigation process. Mr. Moore explained that the focus is on our workload and what we have control over in process. The investigation phase is almost all within staff's control for the time frames to process. He advised that staff is reviewing the process and the time frames in order to set goals and shorten the timeframes. He explained that the complaint process is not a linear flow. When a complaint is received, an analyst is assigned to the case to investigate whether or not violations occurred. The analyst is then in contact with multiple individuals, such as the complainant and the subject, as needed. Analysts consult with the Board's various senior registrars during the investigation, as well as sending it to an independent expert. These are some examples of who the staff will contact. The Division of Investigation is also brought in to assist in getting in contact with a subject because of non-responsiveness. The analyst will interact with these various parties as necessary. Not all parties will be involved in all cases. It is dependent on the specifics of the complaint.

Ms. Eissler explained that there are approximately 50 cases per analyst; however, two have half a case load as they work on other duties that are not related to investigating the complaints.

Mr. Moore continued that once the analyst has compiled, documented, and made determinations necessary for the investigation, they then work with an independent expert to prepare a draft recommendation to submit to the enforcement manager for review and make the final recommendations which usually results in one of three scenarios: close with no action, refer for citation (informal enforcement action), or refer for formal disciplinary action. Mr. Duke expanded by saying the legal effect of the citation that is paid is that it is not an admission of guilt or violation. It is considered an enforcement action and not a disciplinary action; however,

there are consequences as it is public record. Ms. Eissler added that if the case is closed without action, it could be that there was a violation but it was not something where enforcement action needed to be taken. For example, if a land surveyor failed to file a record of survey and during the investigation, one was filed, enforcement action might not be taken and the subject would be considered to be in compliance, and the case would be closed. Under the Board's disclosure policy, if complaints were filed against this person within the last five years, it would be disclosed that there was a complaint, but that the issue was taken care of and no action was taken. Another category is if through the investigation it is determined that the subject did not violate the law, then the case is closed and not disclosed to the public as there was no violation.

When a case is referred for citation, the complainant and the subject are notified. The subject has an opportunity to contest the citation. The majority of the time they are aware of the issues as they have been involved during the investigative process. They will have an opportunity to request an informal conference and/or an administrative hearing. The informal conference is scheduled and consists of staff and the subject. These informal conferences are conducted either by phone or in person. The subject can choose to accept the citation or proceed with the administrative hearing. The administrative hearing involves the Deputy Attorney General and is held before the Office of Administrative Hearings. Ms. Eissler explained that following the informal conference, the citation can be dismissed in which case there would be no need for the formal appeal hearing; it can also be affirmed or modified where the fine could be reduced or have some of the violations removed.

Mr. Duke explained that this is not a revenue making process. Even when the Board receives cost recovery, the administrative law judge makes the determination based upon the reasonableness of the cost.

Ms. Eissler is hoping that at the next board meeting, a similar process can be done for the formal disciplinary action and get into working with the attorney general's office.

A. Enforcement Statistical Reports

Mr. Moore presented the new statistics for the Board agenda in hopes it will more effective in communicating enforcement statistics. He explained the complaint investigation phase statistics, including cases opened and completed, the average days from opening of a complaint investigation to completion of investigation, and open complaint investigations. Ms. Eissler indicated that at the previous Board meeting, staff was directed to change how the statistics are presented.

Mr. Moore reviewed the outcome of completed investigations and pointed out the number of complaint investigations closed without further action versus those referred. He also reviewed the number of citations issued, the number of citation made final, the average days between date of issuance of a citation and the date the citation became final, and the average days from the opening of the complaint to the investigation the

date the citation becomes final.

Mr. Moore also presented graphs representing the formal disciplinary action against licensees, which show the number of licensees included that revealed the number of licensees referred for formal disciplinary action and the number of final disciplinary decisions, the average days for referral for formal disciplinary action to effective date of final decision and the average days from opening of complaints investigation to effective date of final decision.

Mr. Moore advised that staff is reviewing the internal processed and time frames to determine why the age of the investigation phases has been increasing. Ms. Eissler explained that staff has almost completely reduced the backlog of cases awaiting issuance of a citation or referral for formal disciplinary action and is now focusing on the investigation phase. Mr. Wilburn questioned whether the issue was the process or the resources. Mr. Moore advised that it is likely some of both, but staff is still reviewing to be able to better answer that. Mr. Tami asked if internal time frames, such as the time from receipt to opening the case, were tracked. Ms. Eissler advised that internal time frames have not been tracked in the past, but they will be now so that they can be reported on in the future and used to determine the areas needing improvement.

Ms. Eissler advised the Board that she believes some of the delays in processing formal disciplinary cases is caused by the office of Administrative Hearings (OAH), not because they do not do a good job, but because they do not have sufficient resources to hear cases for all of the state agencies in a timely manner. She asked the Board to consider sending a letter to the Agency Secretary expressing these concerns and recommending additional resources for OAH. President Wilburn asked for additional statistics regarding the delays before sending such a letter.

President Wilburn thanked staff for hard work in assembling statistics and graphs.

- III. **Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]**

- IV. **Open Session to Announce the Results of Closed Session**

During Closed Session the Board took action on three stipulations, two default decisions, and two proposed decisions

- IX. **Exams/Licensing**

- A. **October 2012 Examination Update**

Mr. Mathe provided an update on the fall examinations. National examination scheduling should be completed by September 6th and State examination scheduling should be completed by September 14th.

Registration for the EIT and LSIT examinations goes directly to NCEES.

Preliminary projections may exceed prior numbers as the window to register is longer. Applicants self-certify and once they pass the examination they would apply with the Board. Mr. Moore indicated that five other states have changed their process as well. It has been well received. It is helping the cashiers as well as staff in the licensing unit.

X. Outreach

- A. Request for Articles for the Summer Bulletin
- B. Outreach efforts – Status on Social Media and College/University Programs

Mr. Phayer, provided information regarding the status of the Board's social media program, such as Facebook and Twitter, that conform with state guidelines. The intention of these types of social media will help educate and reach out to the public he hopes these programs will be running by the next board meeting.

He also discussed ABET visits and is developing a database of contact information for every college and university in California that has programs that pertain to engineering, surveying, and geology. He is also compiling information for the various observers that will be conducting ABET visits so that they are well informed of their responsibilities as an observer.

XI. Approval of Delinquent Reinstatements

MOTION: Mr. Tami/Mr. Zinn moved to approve.

VOTE: 10-0, motion carried.

XII. Consideration of Rulemaking Proposals

- A. Request for Reconsideration of Denial of Request for Regulatory Action pursuant to Government Code section 11340.6 – Request to Amend Title 16, California Code of Regulations (CCR) section 424 (Experience Requirements – Professional Engineers)

Ms. Eissler stated that at the last Board meeting, the Board considered a request from Mr. William Johns asking the Board to pursue regulatory action to amend its regulations relating to experience requirements for licensure; however, the Board denied his request. Mr. Johns sent correspondence asking the Board to reconsider the denial. Ms. Eissler indicated that the board can choose to grant his request for reconsideration and direct Board staff to begin the rulemaking process to amend Board Rule 424 as Mr. Johns has requested or deny his request for reconsideration.

Dr. Rhee expressed his belief that education should be the foundation for the experience.

MOTION: Dr. Rhee/Mr. Tami moved to deny request.

VOTE: 10-0, motion carried.

- B. Geologists and Geophysicists TAC recommendation to amend 16 CCR 3003 (b) and (e) (definitions)

Ms. LaPerle, indicated that the Geology TAC has been working on proposed language for amendments to 16 CCR 3003(b) and (e). 16 CCR 3003(b) has to do with the definition of engineering geology and Section 3003(e) deals with the definition of professional geophysical work. The reason for the proposed changes is to clarify vague language. The TAC is seeking Board approval of proposed language to move forward with the rulemaking process.

MOTION: Mr. Zinn/Mr. Modugno moved to approve.

VOTE: 10-0, motion carried.

XIII. Information Technology Updates

- A. Request for Change/Online Renewals

Mr. Donelson provided an update on the legacy hard-freeze exemption request to allow all engineering license types to renew online with a credit card. Currently, there are only four license types that can. They have provided us with the first week in October to bring it online to incorporate the additional nineteen license types; however, it will not include the Geology program licenses.

XIV. Administration

- A. FY 2011/12 Budget Overview

Mr. Alameida provided an overview of the fiscal year 2011/12. The budget allotment was \$10.47 million and expenditures were \$10.46 million with a surplus of \$11,525. The revenue generated was \$10.1 million with applications about the same level as last year and a slight increase in renewals.

- B. FY 2012/13 Budget Introduction

Budget appropriation for the PELS fund is \$9.32 million. The decrease is due to doing away with the examination administration contracts.

Geologist and Geophysicist Account was \$1.34 million and expenditures totaled \$1 million with a \$328,679 surplus which has been the normal amount for the past couple of years since the consolidation of the Boards. Applications and renewals have slightly decreased versus last year's figures. Although there is a decrease, revenue should remain consistent for the Geologist and Geophysicist Account.

Budget appropriation for the Geology Program is \$1.37 million.

- C. Application Statistics

Based on the new procedures that have been implemented with the EIT/LSIT application process, it was thought that there would be a more streamlined application submittal process. However, there has not been a significant amount of applications to see if there has been an impact. A report at the next Board meeting will be provided once six months of data has been collected.

XV. Technical Advisory Committees (TACs)

A. Board Assignments to TACs

Mr. Moore provided an update on the various TACs by indicating that there is an active Geology TAC and Land Surveying TAC. He suggested since there is now a civil engineer on Board, another committee may be something to consider.

B. Appointment of TAC Members

No action taken.

C. Reports from the TACs

1. Recommendation to Establish a Retired License Status for Geologists and Geophysicists

MOTION: Mr. Zinn/Mr. Josephson moved to authorize staff to pursue rulemaking process.

VOTE: 10-0, motion carried.

Mr. Mathe reported that the LS TAC met on July 6th and they worked on assembling a workplan that better explains the function of the TAC. This workplan will be presented at the next October Board meeting.

XVI. Liaison Reports

A. ASBOG

Mr. Moore stated that there will be a national annual meeting this fall in Nebraska for which we will not be able to acquire the Out of State Travel approval to attend. He reiterated that, unfortunately, the Board does not have a voice in decision making.

B. ABET

Mr. Phayer will be in touch with various Board members to be observers.

C. NCEES

Mr. Josephson indicated that there have been three administrations of the National Structural examination. The pass rate for the last structural examination for California was the mid-40's which is traditionally higher. Other states on the west coast are concerned as the pass rate has increased greatly and wonder if this is an appropriate examination for testing high seismic design. They are going to continue to utilize the national examination; however, the other west coast state are going to monitor it carefully over the next several administrations and believes California should follow suit. He foresees the pass rate will increase because the structural examination fee is going from \$275 to over \$1,100 and may filter out those who are not serious and have not studied sufficiently.

Mr. Tami added that the April 2013 Western Zone meeting will take place in San Francisco. Mr. Moore indicated that the Board staff is trying to work on a budget with NCEES. He asked the Board to contribute input on activities and speakers.

D. Technical and Professional Societies

No report given.

XVII. President's Report/Board Member Activities

President Wilburn welcomed new Board Members Kathy Jones Irish and Bob Stockton.

XVIII. Other Items Not Requiring Board Action

Mr. Moore noted that the next Board meeting will take place October 11-12, 2012 in Southern California.

XIX. Approval of Consent Items

(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the June 28, 2012 Board Meeting with amendment.

MOTION: Mr. Tami/Mr. Quartararo moved to approve minutes with correction in item XIII B. to reflect the change from Jahns to Johns.

VOTE: 7-0-2, motion carried.

Two abstentions Bob Stockton and Kathy Jones

XX. Adjourn

PUBLIC PRESENT

Roger Hanlin, CLSA
Erin Grisby, USD, CPIL
Craig Copelan, PECG
Bob DeWitt, ACEC

XVIII.

ADJOURN

VI. **CERTIFICATES OF AUTHORIZATION FOR ENGINEERING, LAND SURVEYING,
GEOLOGICAL, AND GEOPHYSICAL BUSINESSES**
